

# OUTLAW NOTES

The background of the entire page is a high-contrast, abstract graphic. It features a solid black field overlaid with several thick, white, wavy, ribbon-like lines that meander across the composition. These lines vary in thickness and direction, creating a sense of movement and depth. In the upper right and lower right areas, there are faint, light gray geometric shapes and patterns, including what appears to be a stylized architectural element like a window or door frame. The overall aesthetic is graphic and edgy.

**MIDNIGHT NOTES # 8**

# Midnight Notes #8

## OUTLAW NOTES

# \$2.50

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### Midnight Notes

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August 1985

COVER  
Sharon Dunn  
From Blue Monday in  
Boston's Financial  
District, 4/29/85:  
Against Capital,  
For Us,  
With Maypole

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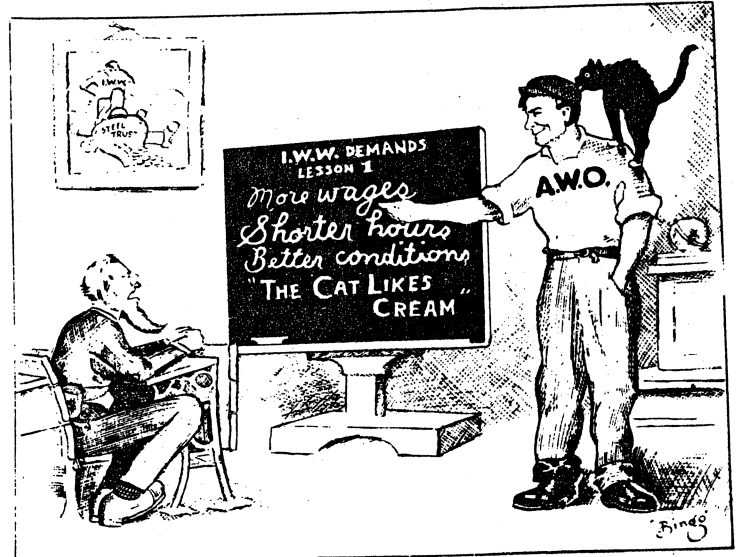
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before we got to press. However, we are  
quite sure that our next issue will be on  
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it will be available before the end of 1985.

### John Farmer's First Lesson

Solidarity, September 2, 1916.



# A Conceptualization of the Law in the Manifold of Work

"It is possible to neutralize carefully selected and planned targets, such as court judges, ...judges, police and State Security officials, CDS chiefs etc. For psychological purposes it is necessary to take extreme precautions, and it is absolutely necessary to gather together the population affected, so that they will be present, take part in the act, and formulate accusations against the oppressor."

CIA Manual  
Psychological Operations  
in Guerilla Warfare

"Mine the harbors of Nicaragua? This is an act violating international law. It is an act of war. For the life of me, I don't see how we are going to explain it."

Barry Goldwater  
Letter to William Casey  
(CIA) 21/10/84

"Among international law experts, a group not noted for their unanimity, there is remarkably broad agreement that the United States' invasion was a flagrant violation of international law.... Those who minimize the international law implications of the Grenada invasion say the foreign observers will be impressed and not by our acceptance of the constraints of law but our ruthlessness..our willingness to impose our will by force. ...But foreigners aren't stupid."

Abram Chayes  
Prof. of Law of H.L.S.  
(served as legal adviser  
to State Dept. from  
1961-64) (N.Y. Times  
editorial 11/15/83)

"The president has no understanding of law"  
Anthony Lewis  
N.Y. Times Editorial  
4/11/84

"From thence they proceeded to Newgate, and gave them FIVE MINUTE LAW!"

Mad Tom

"First thing, let's hang the lawyers."

## USING THE LAW POLITICALLY

We have long realized that the law/politics dichotomy professed to us by capital is as fictitious as the economics/politics dichotomy. It has also long been clear that capital has always in one form or another, used the law politically in its struggles against us. Further, it has worked hard at maintaining the law/politics dichotomy fiction. Much of the liberal jurisprudence is devoted in one form or the other to this task.

And so we are not surprised that the Reagan regime is aware of the fictitiousness of the law/politics dichotomy. What is a surprise to us, however, is that major parts of Reagan's counterplanning have involved what amounts to direct attacks on certain sectors of the legal system and the laws it adjudicates (together The Law). The Reagan administration has openly manipulated the sectors of The Law it wants to use in its struggles against us and has expelled The Law as it is used to control

and regulate the state and the economy. In other words, Reagan is openly attempting to use The Law as a political tool in his counterplanning against us. These actions differentiate the Reagan regime from "normal" practices of previous regimes in the U.S.

Reagan has also been very open about the fact that he sees much of The Law he wants to destroy and change as products of our past struggles where capital ended up with the "short end of the stick". He sees those sectors of the law as being in large part responsible for the work/energy crises capital has faced in the last 20 years.

And finally, Reagan is taking such drastic action (an open demystification of the law/politics dichotomy) at a time when it is capital that is on the offensive (at least in the U.S.). Common liberal and even leftist knowledge would have us believe capital would be employing more "legitimizing" forms of counterplanning. In other words, it is

attacking and eradicating large sectors of The Law and the liberal state at a time when capital, at least in the U.S., is not facing imminent destruction.

We have not been surprised to see different sectors of the class react to Reagans counter-planning by turning to The Law - using The Law politically. These legal struggles have had substantial importance in our defensive actions (immigration, human rights, civil rights). What has disturbed us is the often acutely legalistic form these struggles have taken. We have seen an inability to make legal struggles political rather than simply legal. Perhaps more serious has been an inability for "political" struggles to transcend narrow legality. While Reagan understands the law/politics dichotomy as fiction, most of the class (and the left - regardless of what they say) has treated the fiction as real: politics must be acted within The Law, The Law is not political.

Given that The Law is playing such a major role in our struggles with capital at this juncture, we in MN have decided to re-examine our understanding of The Law and the role it presently plays in our struggles. The purpose of our analysis is to develop a conceptualization which will enable us to use and understand The Law as a product of our past struggles and as a tool for future struggles; in other words, to enable us to more effectively transcend the fictitious law/politics dichotomy. We also seek to develop a conceptualization which will enable us to discover the limits of The Law so as to enable us to transcend it more quickly and effectively.

## 1.0 Introduction

Our (MN) past experience with the numerous debates and reflections on The Law has led us to conclude that we (MN) must begin our task by first developing our own conceptualization. We arrived at this understanding primarily for two reasons.

First, present conceptualizations and debates on The Law and its role in our struggles, generally appear not to be effective when we as a class (or sectors of the class) try to apply them so as to politicize our use of the Law. Although they often make significant contributions to our efforts at arriving at an understanding of both how capital uses The Law and how The Law as an institution works - in other words, a critical view of capital's perspective of The Law - they generally fail to provide us with an analysis of how we as a class use The Law, the limitations of it, and how we can use it

in conjunction with other forms of struggle. In short, they do not provide a working class perspective of The Law. This problem, in large part, is a consequence of not placing and analyzing The Law in the context of a political (class and social struggle) universe.

Second, none of these conceptualizations are founded on a "refusal of work" perspective similar to our own. In order for us (MN) to begin a serious analysis of the role The Law plays and can play in our struggles, we first need to analyze The Law itself from our perspective.

What follows are notes on our preliminary conceptualization of The Law. In later issues we intend to criticize and expand on it. We also intend to use it to address past, present and future struggles as well as other perspectives of The Law. Other articles in this issue, in part, begin to do so immediately.

## 2.0 Flashback To The Prologue

In Prologue To The Use of Machines (MN # 5) (hereinafter Prologue), we (MN) "voyaged in(to) the manifold of work (world of work) searching (for) an escape from it". More specifically, we set off to discover the interrelationship among "work" (as formally defined by capitalist society), the development and use of machines, and The Law of Value.

As a result of our voyage we arrived at a set of conclusions. For present purposes we shall summarize some of the relevant findings in three parts.

2.1 First, we determined that the Law of Value acts as a control grid (see Interlude 1) through which capital attempts to impose (see Interlude 2) work on us as a class. This grid uses and incorporates the formal representation of human work to measure value, distribute it, manage it and hide it. It is our struggles against capital that both forces this formal representation to greater completeness and closer to its destruction. We also determined that when one focuses on formal work processes (within the manifold of work), the Law of Value appears as the predominant control device.

2.2 Second, we determined that the incompleteness of the "rigorous" Law of Value necessitates a ruling apparatus whose function it is to enforce the "definition" imposed by the Law of Value. We suggested that the ruling apparatus was composed of institutions as the state, corporations,





*Robert Robinson's*

"The System Investigates Itself" - The Liberator, 3/19/21

The Law and so forth. We further suggested that this ruling apparatus is in fact an image of the incompleteness of the formal representation of the Law of Value.

2.3 Third, we determined that together the Law of Value and the ruling apparatus do not encompass, define or explain our universe, which includes also the refusal of the Law of value and the ruling apparatus (both of which, in turn, include and are shaped by our refusal), and the realm of non-work, of social being, which daily co-exists with work and refusal. Our investigation into the role of The Law in the manifold of work cannot directly investigate the world of non-work; rather, we attempt to take notice of this realm as we base ourselves on the refusal of work to investigate law and work.

#### Interlude 1

Control Grid - We (MN) are using control grids as conceptualizations of what may be defined as modes/basic relationships/fundamental deals that exist in this society which are a product of class struggles and

which function and exist to define relationships among ourselves and between us and capital - to impose control and keep struggles within ultimately "productive" limits. At this particular time in history, we are referring to control grids that exist in capitalist society which attempt to define particular work relationships and situations (production and reproduction) - in particular the Law of Value and the Law of Deals (explained later). As we define them, these control grids are products of our struggles against capital. Each functions according to a particular type of logic and has its own rules and dynamics. This can be seen from our analysis in Prologue where we concluded that the Law of value functioned to impose work on us and that it had its own way of measuring value and incorporating our struggles.

Define - We are using the term define to connote situations such as where a control grid (i.e. Law of Value) attempts to impose control on particular relationships or particular situations according to its own logic and dynamics. However, since

the struggle is always present, the outcome is generally uncertain.

Control - We are using the term control to connote attempts at controlling (struggles involved in trying to control).

### 3.0 Journeying Into Manifold of Work

In the manifold we find a ruling apparatus. A preliminary analysis of the apparatus (as defined in Prologue - state, police, The Law and so forth) leaves us with an impression that each of the institutions and organizations which comprise the apparatus both has a life of its own and is a purely capitalistic institution. Each of them appears to have a specific function it performs for capital. Each of them in turn performs its functions in its own "mysterious" way - under its own internal logic with its own rules and regulations.

This perception, however, is obviously inadequate and politically dangerous as it fails to see all the actors in the development and maintenance of these institutions and organizations. It only sees the genesis, adaption and modification of these institutions from a capitalist perspective. To pierce the veil, it is necessary that, as when analyzing commodities, we go beyond the things/objects relationships and get to the level (a more fundamental one) of human relationships - the

levels of work, and of human activity. The level at which we can perceive the struggles which in the end produce the wealth, organize and run the institutions, reproduce society and produce the surplus upon which capital lives.

At this level we can perceive each of these institutions as a product of social relationships and activity. Given that we live in a class society where class struggles over time shape our lives and our relationships, this quite simply means that these institutions are products of class struggle over a period of time.

We find that in order to more clearly understand the struggles that led to the adaption, development and maintenance of these organizations and institutions we need to introduce a concept which we will call the DEAL.

### 4.0 The Deal

The deal as we define it is a product of social relationships within a political/social context: an understanding/compromise/guarantee/imposition/division (for the lack of better language) between classes, individual members of classes or different sectors of the same class.

A deal involves two stages. The first is a deal/agreement to make a deal (stage 1) (e.g. to sell labor power to capital). The Second stage is the specific deal(s)/agreements resulting from the agreement to deal (e.g. time and a half for overtime). There are also two types of deals. Those which define a particular relationship (type a) and those which define the procedure of making deals and enforcing them (type b). The degree of force/coercion in which two sides agree to deal and make deals varies continuously with the political climate.

Neither class (or members of the class) nor capital ever chooses to be in the position which they find themselves. They have to do the best they can with what they have. As long as capital and the class are in struggle and the class is unable to destroy capital once and for all, we as members or sectors of the class are forced to make certain deals with capital. As long as capital exists, it has to make deals with us so as to be able to extract work from us. Under capital, there is no sense of "consenting" to deal (not even in a contractual sense) (as Marx noted, capital is a relationship of class struggle); it is a question of having to make deals.

#### MILLIPEDE

A millipede one day begged

A great professor of mathematics  
To teach him to count up to a thousand.  
The sheep can count up to four,  
The hen can count up to two,  
The earthworm can count up to nought.

The great professor felt that it was unfair;  
I don't mind what I have to do,  
The millipede told him,

So long as I learn to count up to a thousand  
And so become the cleverest of them all.  
Then the professor cut off one of his legs  
And told him to repeat: one.  
Then the professor cut off ten of his legs  
And told him to repeat: ten.  
Then the professor cut off a thousand legs  
And told him to repeat: a thousand.

The millipede was so proud  
That he could count up to a thousand  
That he never noticed  
He couldn't walk.

--from William Sassine, "Wirriyamu"



Wm. Hogarth, "Some of the Principal Inhabitants of the MOON..."

The deal, cannot be understood in isolation. It is a product of class struggle. In other words, the deal is a product of present and past struggles around work and the refusal of work as well as those for life beyond work. To be a little more precise, the deal is a product of struggles where factors such as: the cycle of struggles, direct force, the Law of Value, money, institutions and organizations, ideology, technical reality and possibilities, wealth, past deals, deals being made and remade in other sectors of society, and of course the refusal of work - all play important roles. Thus a deal made at one point in time is a product of deals made at earlier points in time in conjunction with other factors.

#### 4.1 The Precedential Nature Of The Deal

One of the most important characteristics of a deal and deals in general is that they not only act to define relationships at one particular time, but they also act to define relationships and new deals in the future. Our lives, in large part, involve struggles defined by past deals. We rely on them to make decisions about what we can do at any time, to justify our acts (including striking new deals) or to defend ourselves against attacks by capital. Capital does the same thing. The result of these usages is a continuously changing "body" of deals upon which struggles are often defined.

The "precedential nature of deals" as well as the stage 2 deals both arise out of stage 1 deals. To be able to better analyze this "deal to deal" we need to introduce a concept we will call the Law of Deals. First, a word about breaking deals.

#### 4.2 Deals Are Made To Be Broken

It is imperative to understand that deals will be broken whenever either side perceives that it is to its benefit to do so. Given that deals are made in a political context where both sides have antithetical demands, either side is always looking for a better deal. The ultimate goal for the class is to destroy capital and not have any deal with it at all. Capital, however, must have a working class and so only survives if there are deals.

#### 5.0 The Law of Deals

The first deal we as a class struck with capital was in fact the most important deal—the acceptance of the waged labor/capital relationship (a stage 1 deal) and along with it, at a basic level, the Law of Value "deals". As a result of this FIRST DEAL, an infinite number of deals have been struck and broken (type a,b and stage 1,2).

Our struggles with capital have continuously elevated a subset of these deals to a position where they have played a major role in defining our struggles. More precisely they have been used by capital and the class to: 1) define social struggles and other social relationships, 2) define social institutions and organizations, 3) define the manner in which past deals will be used to define new deals, and 4) define how unsuccessful deal breakers or deal makers will be punished or forced into abiding by the "rules". It is this subset of deals that we have defined as the Law of Deals.

#### 6.0 Returning To The Manifold of Work

Now that we have finished introducing these two concepts, we can continue with our voyage through the Manifold of work.

#### 5.1 The Law Of Deals Qua Control Grid

We (MN) find that analogizing the Law of Deals to a control grid is very useful. It is not only one of the best conceptualizations of our proposed concept (The Law of Deals), but it allows one to play with the Law of Deals in useful ways. It allows one to: place the Law of Deals in space (n-dimensional); visualize its porousness; visualize the limited

amount of social space it "covers"; visualize its ever changing form; visualize the manner in which it attempts to control social space; and more. (Graphically, see the cover to Midnight Notes #5.)

#### 6.1 From The Perspective Of Deals

Within the manifold it is quite evident that much of the political/human activity (struggle) we saw earlier can in fact be classified or described as the making or breaking of deals. It is also evident that much of this activity is defined by previously made deals (but always within the context of struggles). It is also quite evident that a large number of relationships and deals are predominantly defined by the Law of Value (see 7.2). We will leave these deals out of the picture for the time being. It is also evident that a subset of these deals plays a major role in interpreting old deals and the making and breaking of new ones; the role we have defined for the Law

#### CHRYSOULA

A bit of straw,  
a little mud,  
one feather  
and I built a paradise.  
I'd climb the trees  
with a ladder  
and eat my fill of freedom with the birds.

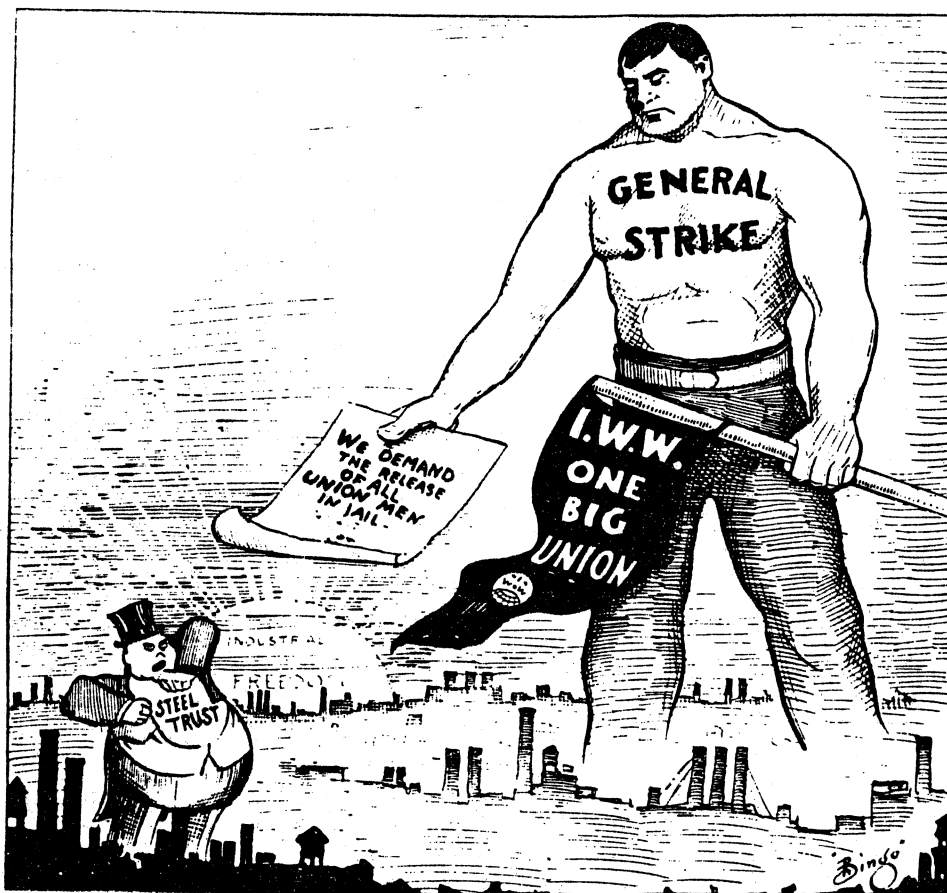
But soldiers from the north came  
and burnt the crops,  
they lit so many crackling fires  
the nightingales fled  
and left a charred core,  
a torn-up calamity ground.

Why do you deny me a little earth?  
An angel of mine is always reminding me:  
it's not allowed to be so close.  
But on just one April afternoon  
I'll swim in that atmosphere  
like a dragonfly.

How much steel did you use to hit  
did you use to hit  
the twelve ribs  
which locked my heart?  
How many drugs did you force down my throat  
in the jail that was once a grade school?

But in spite of all your fences  
a poppy will bloom in the midst of your wheat  
and as your cold wind rises  
it will kindle its flames  
to burn you totally down.

--Rita Boumi Papa  
1000 Killed Girls  
Translated from the Greek



"The Certain Means of Rescue," Solidarity, September 16, 1916

of Deals. It is also quite evident (when viewing the manifold from the perspective of deals and deal making), that all the institutions which we earlier defined as constituting the ruling apparatus are also in large part a product of human/political activity defined by the Law of Deals as well as by other stage 1 deals.

## 6.2 The Law of Value As A Product Of Deals

We have up to now argued that when one approaches the manifold of work from the Law of Deals perspective, the making, breaking and modification of deals are the basis upon which our struggles are advanced and defended. When we address or focus on the Law of Value from this perspective, it is evident it too is a product of our first stage 1 deal with capital as well as a number of other very fundamental deals that were forced upon the class by capital. And so it begins to appear as if The Law of Value should also be included within the Law of Deals.

We (MN), however, have found it politically expedient to keep our discussions of the Law of Value separate from those involving other deals including those which make up the Law

of Deals. The Law of Value, it must not be forgotten, is a "control device" which plays a very special role for capital as a basic means of imposing work and extracting surplus value. It may be said that it defines relationships involving commodities. At the very least, it has its own special dynamics and logic.

## 7.0 Different Sides Of The Same Control Grid?

When focusing on the Law of Value and its relationship to work (as commodities or non-commodities), the Law of Value appears to be the main mode of defining relationships in our struggles with capital. However, when focusing on the Law of Deals and its relationship to work (deals and non-deals), the Law of Deals also appears to be the main mode of defining relationships in our struggle with capital (at least at this point in history).

We suggest that these two perspectives are not antithetical to each other. If anything, they reflect the true relationship between the Law of Value and The Law of Deals - they are in fact different sides of the same control grid which are semi-autonomous from each other but at the same time very dependant on and interactive with each other. Each

performs its own function, complements the other ( in a sense the image of the incompleteness of the other), incorporates the other in different forms (each particular juncture of struggle has its own mix) and arises out of the same manifold of work and included struggles.

## 8.0 The Law

Now that we have developed a general conceptualization of the relationship between work, the Law of Value, the Law of Deals and the ruling apparatus, we can focus on The Law (an institution separate and semi-autonomous from other institutions).

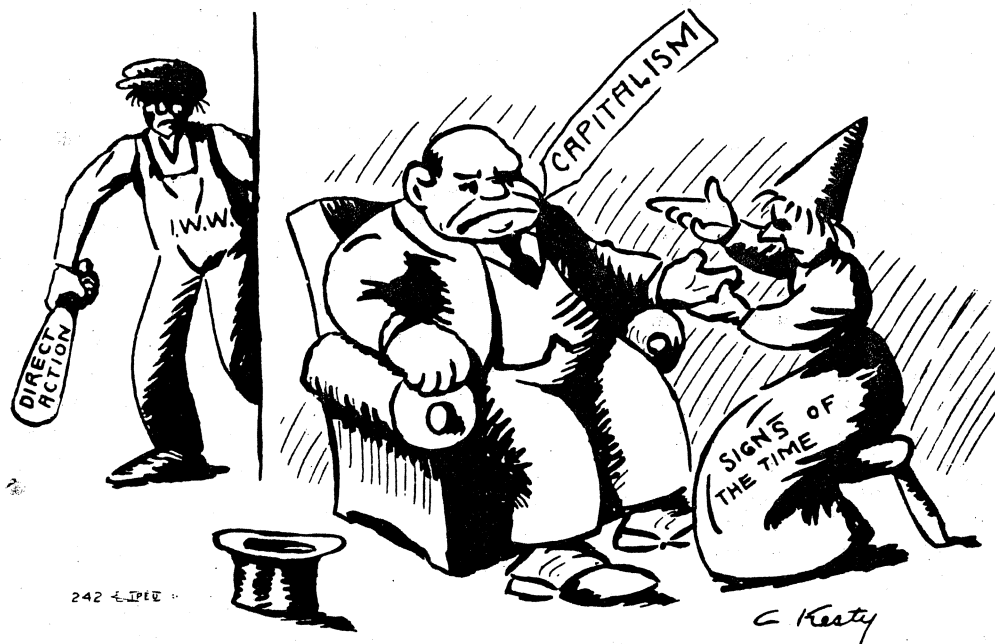
Focusing on The Law, clearly its function is to codify/interpret/mediate deals. It performs its role by, in effect, codifying and interpreting deals included (at any one time) in The Law of Deals and in turn using that to mediate/interpret/enforce all deals in general. It also attempts to use the codification/interpretation of the Law of Deals to define other non-deal relationships. The Law, in effect, functions as an institutionalized form of the Law of Deals. In other words, it attempts to approximate both the Law of Deals and real society. (For a discussion of approximation, see Prologue:16.) The Law is thus a two-sided approximation, that of both reality and the abstraction from reality (Law of Deals).

It must not be forgotten that The Law is a "political" institution. It, as an institution, is a product of struggles between capital and the class. Its role is that of interpreting/codifying deals (products of struggles) and then using it to interpret/mediate/enforce deals and other activity (our present struggles). And finally, The Law itself as an institution is continuously an arena of struggle (personell, ideology, procedure etc.).

## 8.1 The Limits Of The Law

As an attempted approximation (see 8.0) of the Law of Deals, The Law has many limitations. To begin with, it is unable to interpret/codify all the deals that are included in The Law of Deals at any one time. Second, its own process of interpretation/codification is a product of struggles ( both inside and outside the institution) and thus it never performs its "stated" role perfectly. Again, depending on the struggles outside of The Law and within The Law, at times, it performs its "stated" function more "fairly" or more "perfectly" than at other times. ("Fairly" and "perfectly" have only political meaning.) Third, its ability to interpret/mediate/enforce deals and other activities (at times) is limited by its ability to codify/interpret deals in the Law of Deals and the fact that only a small percentage of all possible struggles under capital (never mind all possible human activities) are "covered" by deals.

## 9.0 To Be Continued



PALMIST: "There is a Man Following You With a Bludgeon."  
CAPITALIST: "Yes, Yes! What Else Do You See?"  
PALMIST: "Nothing But Your Finish!"

Industrial Worker, March 27, 1913.



# POLICING US

Capital's imposition of productive discipline requires many social structures, all of them terrains of struggle. Discipline begins with family and waged work, includes school and other state institutions, and is backed by policing and the military. In the U.S., the police—municipal, state, federal—operate within the nation, while, with occasional exceptions, the army operates 'externally,' though its effects are 'internally' significant and on occasion primary.

Policing includes 'normal' police operations at the levels of community patrolling/controlling, and political police; courts and prisons; and 'licensed' or 'permitted' terror such as assassinations, murders and lynchings by groups such as the Klan. Finally the police are the most visible and overt enforcers of the law—to a great extent, what the police do is the law. Below, to complement our discussion of the law, we outline a brief history of the police in the U.S.

## Rothula

You who saw me fall before your bullets  
I'll always stay in your eyes

You who wrapped me in your bloody skirt  
there won't be any other flag for you  
You who heard my last gasp  
that dying breath breathes in your ears

You who didn't give me the little water I asked for  
I'll appear in your glass everytime you drink

And brother, didn't you know your tender sister  
(I'm frozen now beneath the winter's snows)

And brother, didn't you hear my steady song  
(innumerable worms now graze on your lips)

Hard ones, who brought me to the firing squad  
you should know how I thirsted, how my heart exploded..

—Translated from "1000 Killed Girls", by  
Rita Boumi Papa (about the Greek Civil War)

## I. The Spreading of the Police

The earliest U.S. police were slave patrols in the South and private night watches in the North. The period from just before the Civil War to 1900 saw mass industrialization; unionization; immigration from Southern and Eastern Europe; Civil War, Reconstruction, populism and Jim Crow. The critical moment was 1877: the end of Reconstruction, mass RR strikes, problems with the militia (replaced in 1890's by more centrally controlled National Guard).

Capital observed that a larger, more densely packed, urban industrial working population "required" increased control to ensure work discipline, smash unions, divide workers and

ensure profitability. On the police level, capital's solution was to expand and develop local police to control social/class conflict on a regularized basis. The methods of control, primarily the local police, supplemented with vigilantes, private armies, the national guard and army, were resisted by the working class (w.c.). By the late 1800's, w.c. resistance and struggles such as for the 8-hour day, and the composition of both capital (dead labor) and the w.c., dictated to capital's planners the need to explore alterations in police structure and practice. The critical moment was 1894, when the army had to be used to defeat 'Coxey's Army' and the Pullman Strike.

## II. The Progressive Era to 1950

The issue of the police as a form of social control (among other forms) was debated within capital and new forms experimented with during the "Progressive Era." This period marks a time of capitalist 'reformism' in which "progressive" capital sought to supplement the old forms of control with social planning and social 'engineering,' limited reforms (having, by 1896, smashed populism, the Black movement,

most unions and much of the w.c. right to vote, North and South), and 'paternalism'—a more regulated and smooth capitalism.

The Progressive's themes were crime prevention by more intensive police presence in the community and by other institutions such as schools and clubs; control of police lawlessness, in which exposes served as fuel for reform; centralization of command; separation of

the police from the rest of the working class (ending residence requirements, 'professionalization'); development of police political 'neutrality'; and the use of technology, such as patrol cars, statistical data keeping systems, and chemical and biological techniques.

The post-World War I period saw massive class revolt met with massive repression. The period was marked by such things as the 1919 Seattle General Strike; the Palmer raids (including deportation of left militants); Black nationalism and resistance met by race riots, lynchings, rise anew of the Klan; destruction of unions; and women's right to vote. In 1921, for the first time in U.S. history, the Oklahoma State Police bombed urban Blacks by plane.

In the 1920's, the sharp repression, class defeat and resulting speedup and lowered wages enabled the rise of extreme profitability, muting the reformism of the Progressive Era. The state did learn from previous conflict to 'modernize' as seen in the creation of national police (FBI, Treasury police) and increased national coordination, and increased use and spread of technology.

In the 1930's, the collapse of capital's boom and the upsurge of class struggle was met by capitalist reformism, a "New Deal" between capital and w.c. with unionization and social security the cornerstones, posing again the problem of police-class relations.

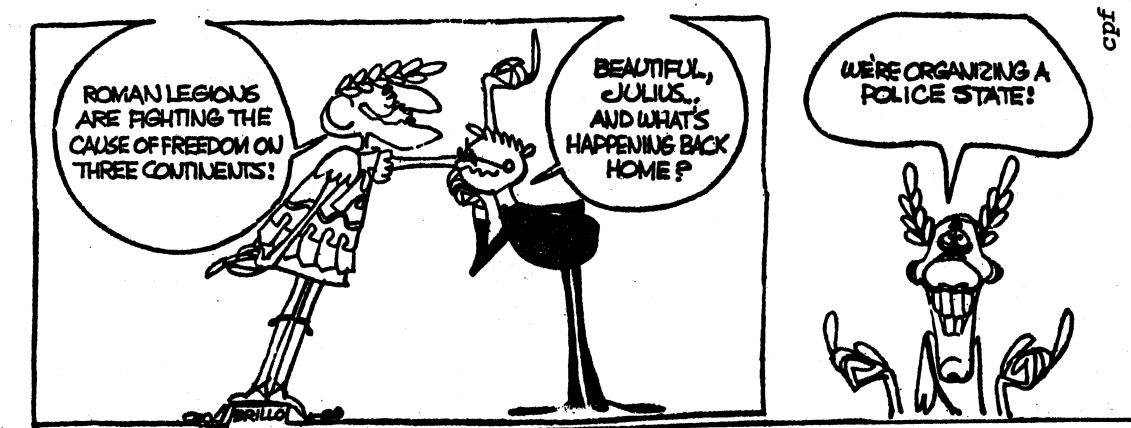
In 1931, the National Commission on Law Observance and Enforcement (Wickersham Commission), Vol. 13, Police, urged professionalization, science and technology, an end to 'community' interference, and use of public relations techniques to gain w.c. acceptance of police; and it attacked corruption. In all, a resurgence of the Progressive themes.

For the New Deal to succeed, the w.c., or a part of it, had to be brought into society as 'respectable,' and thus be treated differently by police, and in turn would have to accept the police as for them.

While these reforms were the main aspect, reformism requires (being a recomposition), both inclusion and exclusion. In 1936, Roosevelt ordered the FBI to collect information on "subversives." In 1938, the House Unamerican Activities Committee (HUAC) formed as a special investigating committee, leading to the 1938 Foreign Agents Registration Act, still law and recently resurrected by Reagan. Police still were used to break strikes and attack communities as needed. During WWII, especially in 1943, "Zoot Suit" riots erupted between Black and Mexican youths and White servicemen and expanded into race riots across the U.S. Social commentators decried the rise of "juvenile delinquency" among young men and women while daddy was away and mommy in the war plant. And during the war, the Supreme Court (S.C.) made it law that a groups could be imprisoned on the basis of ethnicity, this time the Japanese.

In the post-War period, capital launched another wave of repression to reestablish social order and re-set the balance between w.c. and capital. In 1945, HUAC was made a permanent committee. Massive strikes were met by red-baiting, Taft-Hartley, Smith Act, 1950 Emergency Detention Act, McCarren Act on immigration (reduced non-white entrance, gave visa powers to the President, again recently used by Reagan). "Corrected" unions were accepted as "junior partners" in capital. The state circulated capital to construct the suburbs, geographically dividing class sectors, and higher education, sharpening the job and wage hierarchy. Daddy was on the job, Mommy in the home and the kids in school--all was well in the capitalist universe--almost.

Capital's revised deal, culminating nearly a century of struggles, cycles, experiments and planning, created a class composed of a hierarchy of sectors, each of which could be, had to be, treated differently by the police.



### III. The 1950's to 1964

In the 1950's, with relative union peace, the policing problem had two main points: at the community level, controlling "irregular" sectors of the class, and at the political level, mopping up the left.

Progressive virtues became massified: professionalization, increased use of technology such as the radio car and centralized FBI files. TV spread 'good cop' ideology. In the suburbs, 'we' were protected by Highway Patrol ("10-4") from random dangers; in the "Naked City", however, it was an uphill battle against crime, often doomed from the start ("Car 54, Where Are You?").

In apparent social peace, elements of the anti-red campaign were reduced. The S.C. curtailed the Smith, McCarren and Detention Acts, and issued criminal rights and civil rights rulings to regularize and modify black/white and police/'criminal' relations. However, this was also a period of police preparation and planning for the future.

1956: FBI initiates COINTELPRO-CPUSA (COunterINTELligncePROgram) because previous laws had not smashed the CP and the S.C. was easing up on political repression laws.

Formation of Law Enforcement Intelligence Unit (LEIU), a private network of police intelligence units, outside the FBI, who own their own data and are "beyond the reach of public accountability."

1961: COINTELPRO-SWP, as it supported Cuba.

1962: In preparation for militarization of police, FBI swaps information on civilians from its files with the military for riot control training; continues to 1973 before detected; military got 100,000 files, FBI had 1800 agents trained.

1964: COINTELPRO-White Hate Groups, in response to Civil Rights and assassinations of activists; against, said Hoover, a "relative few individuals in each organization who use strong-arm tactics," unlike left groups, where the problem is the whole organization. (a)

By the 1960's, the emerging crisis for the police was what to do about Blacks, and later other social movements. Illegal intelligence and disruption actions, militarization of police, use of right-wing groups, etc., was the 'hard' side. On the 'soft' side were community patrols, re-organizing the police, and attempting to respond to Blacks as police had to legal unions in the 1950's.

### IV. 1965 to Mid-70's

This period begins with the 1965 Watts uprising, the first of a series of major Black rebellions in Northern cities. This community uprising caught the police by surprise and unprepared. The police had both to repress such risings and reorganize "police community relations." The Black revolt produced many organizations which the political police sought to smash. By the late 1960's, other non-white peoples and a political-cultural movement of sectors of White youth also demanded attention from police at the community and political-police levels. Police responses included both militarization and community-relations actions at the community level, and massive illegality at the political-police level. These actions helped smash many organizations. A counter-offensive against the illegality resulted in exposures and legislation "controlling" the illegal activities, including Civilian Review Boards to curtail local police repression and illegality. These Boards were often boycotted by police and later eliminated. Consider these selected moments, largely from the political-police struggle:

1966: National Highway Safety Act helps fund police hardware, including helicopters.

U.S. Congress' National Commission on Reform of the Federal Criminal Laws (Brown Commission) created to "improve the federal system of criminal justice."

From 1966 to 1970, military intelligence was activated around domestic activities over 20 times (e.g., Pentagon actions, October, 1967.) Exposed, 1970.

1967: Rebellions in Newark, Detroit, etc.

LAPD creates first SWAT team, modeled on Vietnam operations, trained by marines, staffed by ex-Nam vets.

COINTELPRO-Black Extremist: "to expose, disrupt, misdirect, discredit and otherwise neutralize black nationalist groups."

NCIC (National Crime Information Center), links federal, state and local police with national computers to centralize information.

President's Crime Commission, "Task Force on Police" report calls for: more science and technology; use of military model (Vietnam's "electronic battlefield") for technical and command structures; more 'soft' approaches and extension of 'new deal' to urban Blacks/poor; blamed hard approaches (police actions) for exacerbating urban riots.

LBJ orders Army and National Guard officers to receive training in "a standardized approach to handling civil disturbances." Expanded in 1969 to include all military branches plus civilians--police, private and campus security, etc.; thousands were trained.

1968: COINTELPRO-New Left: to "neutralize and disrupt."

Omnibus Crime Control and Safe Streets Act: creates LEAA.

"Report of the Advisory Commission on Civil Disorders" (Kerner Commission) calls for 'progressive' and 'new deal' style reforms to integrate Blacks into 'society' and, as part of that, calls for police reforms, both hard and soft approaches, technology, training, planning, community patrols, public relations, etc. (But see our Space Notes for discussion of other Commission proposals, such as "Spatial Deconcentration.")

1969: Government sets up combined military-police-civilian Command Post Exercises to enable coordinated responses to civil disturbances, via Interdepartmental Plan between 'Justice' and 'Defense.'

Marches and riots against Vietnam War expand.

1970: "Cambodia Spring", military involved with FBI in counter-planning, students killed on several campuses.

Police Foundation started with \$30m grant from Ford Foundation to push police reform, including 'team policing', neighborhood watch.

1970's: Nixon regime develops use of Grand Juries to attack activists.

1971: March 8, Citizens Committee to Investigate the FBI "liberates" hundreds of political documents from FBI offices in Media, PA, exposing the existence and practices of COINTELPRO, etc.

April 20, Hoover terminates COINTELPRO.

LEAA proposes to set up national standards and goals for police, and encourages community-police cooperation.

Congress repeals 1950 Emergency Detention Act.

Brown Commission (see 1966) issues report, Nixon decides too liberal, orders Mitchell to revise U.S. code, Mitchell appoints Rehnquist (now most reactionary S.C. Justice) to task.

MAYDAY in D.C.: use of RFK stadium to hold thousands of detainees, later declared illegal. (Model for Pinochet in Chile in 1973?)

1973: National Advisory Commission on Criminal Justice Standards and Goals, volume on

"Police", more collective wisdom of reformist capital.

Original "S-1" bill introduced into Senate by right wing of Brown Comm. Mitchell-Rehnquist bill introduced as S-1400.

Wounded Knee Occupation; implements military-police coordination in a 'test run'; 87th Airborne and 4th Infantry on alert.

1974: "Watergate" reveals illegal police actions, including CIA domestic operations.

FBI boss Kelley says FBI would use programs akin to COINTELPRO "under emergency situations."

Ford orders consolidation of previous S-1 and S-1400 bills.

1975: HUAC abolished.

Church Committee investigates CIA, discloses some illegal domestic activities, covers up others (e.g., infiltration and sabotage of the 'underground press') and minimizes the extent. Report and recommendations released in 1976.

S-1 introduced, called "Nixon's revenge."

1976: Presidential restrictions placed on CIA and other agencies, "Domestic Security Guidelines" issued.

By the mid-70's, the movements were largely defeated and capital's offensive in full swing through planned austerity, etc. (See other issues.) While gains had been made in exposing and controlling the police, one other result of the defeat of the cycle of struggles is that the police operate on a substantially more sophisticated level technologically in the 1980's than they did in the 1960's, have been far more militarized and presumably may be a more effective repressive force.

But by no means have the police's problems gone away, particularly the question of how to deal with hostile communities. Thus, from the late 70's to the mid-80's, the problems faced by the police were how to re-establish their covert capacities to disrupt movements and how to reorganize the basic police presence to minimize antagonism while maintaining repression and social discipline.

## V. Late 70's to Present

The recomposition of class relations of accumulation has police components to complement austerity, the "opportunity society," the new model family, etc. These measures have included reconstructing criminal law ("Sons of S-1"), re-establishing the powers of the political police, and re-organizing local police. The expansion of the political police has involved S-1 and a series of executive Orders (EO) by Reagan:

1981: E.O. 12333 says CIA can work with FBI, sets 'guidelines.'

1982: E.O. 12356 allows re-classification of previously declassified documents and enables restriction of documents available under

Freedom of Information Act (FOI).

1983: E.O. of March 21 re-writes "Domestic Security Guidelines" to allow FBI greater freedom to operate; expands use of RICO (anti-organized crime) law against left organizations for being "criminal conspiracy."

E.O. of March 11 imposes stronger censorship on federal employees to prevent "leaks."

The Supreme Court has, among other things, weakened Miranda (suspect's rights) and the exclusionary law, declared the CIA can keep secret even unclassified files, and has said students property in school can be searched without a warrant.

The police function has been formally ex-

panded via forms such as the "neighborhood watch"--but only where closely controlled by the police. In Atlanta, autonomous community patrols to protect Black children were smashed by police, as previous similar efforts in other cities had been.

Killing non-Whites by police and by civilians (Goetz) mounts as the number of legal executions rises. In Philadelphia, members of MOVE are murdered and the police bomb a Black neighborhood in perhaps the extreme edge of experiments in urban guerilla warfare. A revived prohibitionism via a crusade to raise the legal drinking age and 'crack down on drunk drivers' has swept the land while Jesse Jackson demands youth pledge to "stay

straight." In 1984, the prison population set a record size of 464,000 in state and federal prisons, tens of thousands more in local and country jails, as 'tougher sentencing' laws are passed.

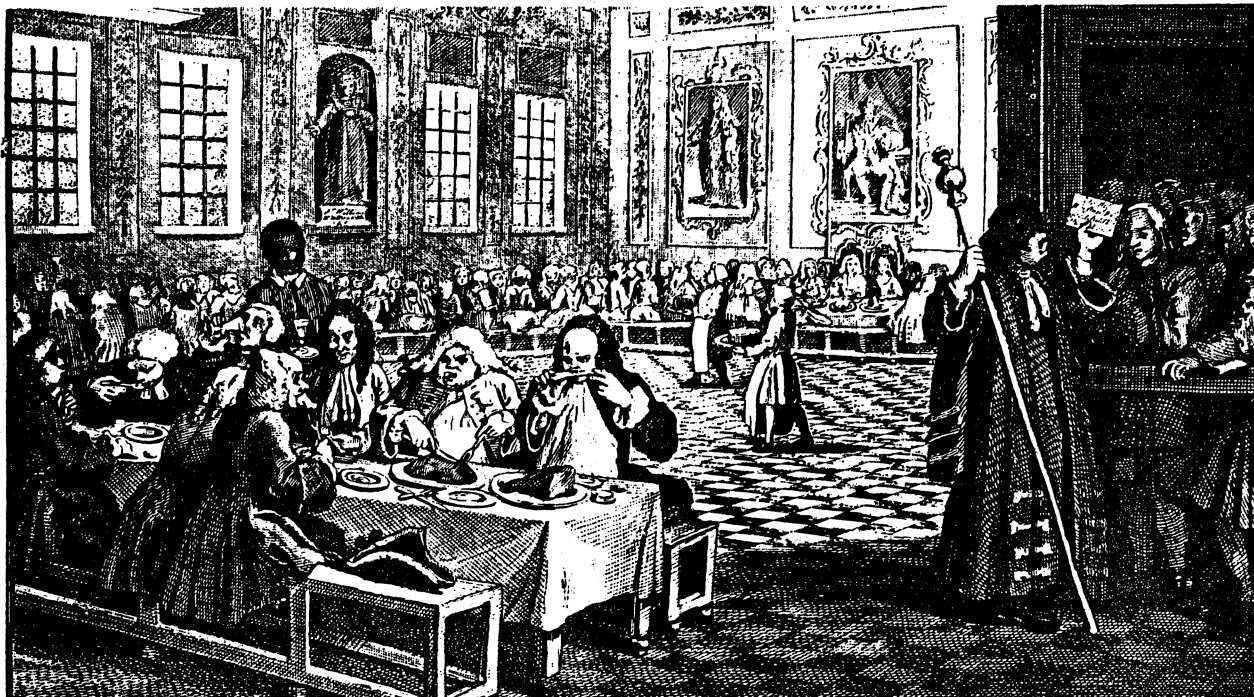
However, the police issue remains contested. In the past year, acts of police brutality and torture have been exposed and attacked with increased frequency, suits against police have been won, Cambridge, Mass. installed a Civilian Review Board after a community push, and a reform movement again seems to be sweeping the police in response to Black and other community struggles and as the police attempt to develop a model useful in preventing further "community disorders."

## VI. Cycles of Policing

Crude, brief and impressionistic as our outline may be, a number of points are revealed by the study. First, reformism and repression have an interconnected relation to cycles of class struggle that is not merely repetitive. Thus: mass movements of the late 1800's were met mostly by repression; the "progressive era" saw a combination of repression (main theme) with experiments in reform that gave way in the WWI and post-War period to first hard repression then consolidation of tools of repression. But in the 1930's, the main focus shifted to reform with repression as a back-up to help 'persuade' the w.c. of the merits of reform. On the backs of new deal reformism and the roll-back of w.c. gains in the post-war period (accent on repression), modern 'professional' policing comes into its own. The turmoil of the 60's re-emphasizes the need for political repression and for a more militarized police, but also for better community-police relations. Here,

unlike the 30's, repression seems to dominate. Why?

For a time, the level of division in the w.c. in the 30's was greatly lowered, presenting capital, in crisis, with a more threatening w.c. Drawing on the wisdom of the experiments of the progressive era, capital saw a possibility to incorporate large sectors of the industrial working class into a new deal in which benefits for sectors of the w.c. would be substantial. The story of the 30's and the post-war period is how capital and the w.c. 'negotiated' that deal and which sectors of the w.c. would be included and which left out. The deal required, as all such deals do, that some of the class acquiesce in the exclusion of the rest, who often were conveniently non-White. Thus a changed, more ambiguous relation emerged between the now-property-possessing working class and the police, whose community repression function became, outside of occasional labor conflict, far more directed



Wm. Hogarth, "The Industrious 'Prentice grown rich & Sheriff of London"



toward the "irregular" sectors of the class and, often, the youth of the w.c. as a whole. What not to repress, such as wife and child abuse in all class sectors, complemented what to repress.

In the 1960's, reform took the shape of Johnson's Great Society, which promised that the whole w.c. would attain the status of 'respectable' with a 'good' wage. But this required that Blacks and other sectors would not get too out of hand, and neither would the people of the third world whose 'deal' would be to act as the 'irregular' sectors of the U.S. working class, either via immigration or the export of capital. Unlike the 30's and 40's, where capital successfully utilized war to overcome crisis and plan for global expansion, the U.S. in the 60's could not use the Vietnam war to build social unity. Rather, the war in the streets of the U.S. combined with the war in Asia to push capital into a deep crisis of accumulation.

While the late 1940's saw victorious U.S. capital use its victory to ensure Pax Americana at home and abroad, the mid-1970's saw U.S. capital imposing austerity to push the crisis deeper, divide the class anew, and reassert accumulation. No new deal, but stronger repression.

In such circumstances, the police relation to the Black community could not change to a new deal relationship, but had to remain at a more coercive level because the Blacks were to be denied access to the wealth they had fought for in the 50's-60's. What began as carrot-stick shifted to a heavier stick with less carrot. The two cycles of struggle have different results and the police role has therefore remained different.

Second, we have seen continuous themes in the development of policing: professionalization, centralization, technology. Conflict is the occasion for qualitative leaps in each aspect in order to meet the challenge; however, between waves of struggle, the police experiment with new technologies, organizational forms, etc., and sectors of capital debate the best modes of policing, the balance of 'hard' and 'soft'. Each new cycle builds on the last. But after a given height of struggle, the pace must slow. Capital's planners may be aware that a new upsurge in struggle can be expected at some future point, but they are unable to predict where and how it will erupt. In these 'slow' stages of the cycles they do not dramatically impose changes on policing, as they do not know the problems they will have to face in more than a very general way, not specific enough to justify massive experimental expenditures, reorganization, etc. (1) These are periods of local experiments, consolidation, slow development of technology, reforms of a mild nature, etc.

Third, we can observe that the type of poli-

cing in the community shifts with changes in class composition and struggle. The first cycle in this history saw basic repression of an undifferentiated and unaccommodating working class as the model. Progressivism asks if a new model might be both possible and necessary, but only a few experiments develop, of all sorts-- technological, organizational. Capital had not solved the problem of dividing the class in a manner which would allow unionization. Gompers was trying to show them how, but at the wrong level for a 'mass worker' society, and so appeared only as reactionary, protecting his craft workers.

It took the crisis of the 30's to alter policing, and even then it did not settle into a basic model until the 1950's. At this point, the police developed a differentiated model based on the divisions in the class and, in a sense, reminiscent of the slave patrols: The 'good' (White) workers are presumed to be a part of society and thus to be protected. The 'bad' (largely non-White) workers are on the one side to be treated as enemy and contained, and on the other side partially allowed to do as they chose among themselves. Different from slavery, now it did not matter if one Black killed another.

Fourth, our outline has suggested that class control, not crime control, is the central aspect of policing. The differentiation of police action toward various class sectors reproduces and strengthens divisions in the

## LEAA

LEAA was created to lead and coordinate a "war on crime" focusing on two realms, knowledge and force. From 1969 to 1975, it channeled over \$1 billion to police (39% of its funds expended), "corrections" (13%), courts (13%), and other aspects of crime control. Much of the money was spent on military hardware--guns, chemicals, cruisers, helicopters, planes, even tanks. \$320m were spent on "communications, information, and intelligence systems." Most of the money was channeled through State Commissions dominated by police.

LEAA pushed the "military" model of policing right down to enabling military suppliers such as Sylvania, Rockwell, Hughes and MITRE to develop a huge new market. To develop centralized command systems, they funded computers, \$90m for 100 systems, including the private LEIU (see 1956). Later in the 70's, LEAA also funded community groups of various sorts under the rubric of community control of crime. They pushed "team policing", which replaces (sometimes) the old "mass" structure the way "team" auto production replaces the assembly line (sometimes). LEAA died as Carter pushed the austerity program. (1)



"I'VE LIVED HERE  
IN THIS CITY  
FOR OVER 40  
YEARS!... AND  
NEVER ONCE  
HAVE I BEEN  
BRUTALIZED  
BY THE  
POLICE!!"

R. COBB



w.c. Toward the 'irregular' sectors, the combination of repression and neglect acts politically to attack community power. For example, the 'failure' to block heroin epidemics effectively ensures the death or incapacitation of many potentially 'troublesome' Black youths. Facing both neglect and repression, the community response is ambiguous.

Fifth, since the cycles of policing have a complex relationship to other cycles of struggle, we cannot determine a simple conservative/liberal differentiation in how capital responds to struggles via policing. Liberals are every bit as capable as conservatives in pushing strong repression. Humphrey outflanked Nixon on the right in pushing the 1950 Detention Act after Nixon had 'merely' sought to register all Communists. Kennedy has joined with Thurmond to push highly repressive changes in criminal law in "Son of S-1". On the other hand, it is the liberals who push the 'soft' side of social reformism, acting as capital's barometers, gauging the complex interactions of the shape of struggle with the flexibility (income in particular) of capital to determine the mix of repression and reform needed by capital to curtail struggle and engineer a social mix conducive to the continuation of accumulation (Kennedy again, this time in South Africa. Interestingly, exiled S. African poet Dennis Brutus referred to the preventive detention aspects of Kennedy's "Crime" bill as "identical" to those in force in South Africa.)

Sixth, this discussion of policing has focused on cycles of union strikes and community riots as indicators of struggle to which the police must respond. Implicitly, the prototypical subject of direct policing is male--men are the ones mostly arrested and impriso-

ned. The policing of women has been more thoroughly a family affair, buttressed less in the 20th century by police than by psychiatry.

However, as women's struggles have changed the shape of the family and social reproduction, their struggles have interacted with the daily content of police work. The police have had to play a stronger role in controlling youth and providing 'discipline', to the point of patrolling school halls, closing parks at night, etc.

But to adequately perform a 'parenting' task, police cannot be an alien presence--yet they are. Thus, the cycles of women's struggles have combined with others to lead to the police's own reformism, the 'soft' line which demands a re-integration of the police into the community, contrary to progressivism which sought to separate police from community. As Watts revealed, the police need 'intelligence' not only on organizations, but on whole communities. Re-integrating the police into the community can enhance the quality of police information, provided the police can also act with 'respect', can be other than a repressive, occupying army. Yet this push is counter to increased centralization, militarization and the other requisites of repression, itself the primary requisite. In the Reagan era, as the 'social' part of the state is dismantled, only the military remains, 'justice' and police. Even the cities'

## COINTELPRO

COINTELPRO was a specific set of programs, but also an organizational approach to gathering information and disrupting left organizations. The five programs from 1956 to 1971 recorded a total of 2370 operations. The programs were based on local initiative by FBI offices, cleared and coordinated by the center. (Thus, perhaps, the massive paperwork available on their activities.) FBI disruptions led to murders, political splits, and the destruction of many organizations. The particular organizational structures of COINTELPRO were disbanded by the FBI after their exposure (see 1971).

Among the lessons learned by a study of COINTELPRO: The FBI presumably has learned how to decentralize operations or at least minimize paperwork. The FBI regularly worked with right wing organizations to undertake illegal actions, and probably still do so. Most importantly, much of the Law is what the police do, and in the 60's the Law was illegal. It took illegal actions by the left to expose the criminality of the FBI, CIA, etc. We have no reason to believe the illegality has ceased despite the many revelations, commissions and on-paper restrictions.

mayors are worried as to "whether you can have a permanent substantial underclass in this country without suppressing them, and if you suppress them, can you still preserve freedom for the rest of society?" (Since no one cares of the freedom of the underclass...) (Globe)

In the lull before the next storm, as capital feverishly moves to ensure a class composition the divisions in which cannot be overcome by struggle in the next cycle, and thus reassert domestic accumulation and provide the military space for global accumulation, refinements in policing must be tested at the varying levels

## Sons of S-1

The descendant of S-1, "Nixon's revenge," finally passed in large part in 1984 and is now law, largely due to the efforts of Sen. Kennedy and the absence of real opposition from liberals. Among the provisions which are now law:

--"Solicitation" of a crime can include "endeavor to persuade" even a threatened use of force against property (e.g., a fence); thus, speaking can itself be a crime with a punishment of 6 years in prison.

--The state can now appeal a sentence it deems "too lenient."

--Preventive detention (as in S. Africa) is now legal (i.e., no release on bail if one is deemed "dangerous"). This law allows the detention on the basis of hearsay (second-hand) evidence without the defendant's having the right to confront his or her accusers.

--Parole has largely been abolished, sentences lengthened, etc.; the Library of Congress says that in 3 years the federal prison population will increase 52-92% as a result.

Among the provisions not passed in 1984 but reintroduced in 1985 are (with Senate #):

--The exclusionary rule would be weakened to allow illegally seized evidence to be used in trial. (S-237)

--Limits the right of Habeas Corpus; this right is a defense against illegal imprisonment. (S-238)

--Re-establishes the federal death penalty. (S-239)

We recommend that readers obtain a copy of the Bill of Rights of the U.S. Constitution (Amendments I-X) to see how these laws contrast. Recall that the Bill of Rights was added to the Constitution after mass struggle and before many states would allow the implementation of the Constitution (itself a victory of capital.)

For more on Son of S-1, contact NCARL, address below.

of Officer Friendly, aerial bombardment, more Black and Latino and women police, right wing 'private' police, rape prevention squads and civil rights protection, informants, more private security police (one of the U.S.' fastest growing 'industries'), and more.

The primary contradiction is between working class sectors seeking a better deal from capital and a capital which has engineered a sharper hierarchy in the class since the early 70's which has meant the increased exclusion of those class sectors, and a reduction in many others' deals. In terms of policing, the police must accommodate the needs of protection and repression simultaneously.

The most critical problem is control over the w.c.'s daily activities, for which there is no technological solution. It may in part demand changing social behaviors. For example, the urban poor meet in the social space of the sidewalk and street. Throughout the cities, sidewalks are being narrowed. Where many people are randomly moving on foot, many police are needed--or next to none (leave them to their own devices...) Policing, in other words, is not only the cops and related organizations, it is the fight over social space and time, who can move how and where, what discipline can be inculcated into people at what price. Only then do we encounter the backups, the organizations, the debates over hard and soft, and the shifting structures and procedures of the police in response to class struggles.

## Notes

1. In the state's problematic of how to anticipate the unknown, we can find an explanation for the demise of LEAA. First, LEAA had done its job by funding the militarization of the police. But as the movements waned, LEAA funds were expended in the same old ways, opening LEAA to charges of being merely wasteful, particularly since by conventional measures crime seemed to be increasing, not decreasing. Moreover, LEAA was included in the critique of over-centralization and militarization of police, and by extension implicated in the police' abuses. In a period of austerity, when supposedly 'everybody' faced cuts, and subject to criticisms of many types, LEAA could easily be abandoned because it no longer had a necessary or useful purpose. It could only spend large sums on no-longer-needed hardware or on experiments that could be done locally more cheaply both in terms of money and politics (what would have happened if the feds bombed Philadelphia?)

a) Unless noted elsewhere, all quotes are from The Iron Fist and the Velvet Glove, Center for Research on Criminal Justice, Berkeley, CA 94704 (2nd Ed.)

Other directly used sources were:

--Counterspy, Vol 2 #4, "Gardenplot and SWAT: US Police as New Action Army", and Vol.3 #1, "COINTELPRO", and Vol.8 #4, "And Lifetime Censorship for All". Ben Franklin Stn.,

--Angus MacKenzie, "Sabotaging the Dissident Press", \$1.95, Center for Investigative Reporting, 54 Mint St., 4th Floor, San Francisco, CA 94103. Washington, D.C. 20044, \$10/yr.

--The Boston Globe, 7/13/85:15

--National Committee Against Repressive Legislation (NCARL), 1250 Wilshire Blvd., #501, Los Angeles, CA 90017. \$15/yr.

Other journals of use are Radical Criminology, Covert Action, as well as lots of U.S. Government materials. For a fuller bibliography, see Iron Fist.

# Prison Work Notes

Neither slavery nor involuntary servitude, except as punishment for a crime whereof the party shall have been duly convicted, shall exist within the United States.

--Amendment XIII, Constitution of the United States

I am for the abolition of prisons--period. The basic questions I deal with, therefore, are how to conduct a struggle in the squeezed circumstances of incarceration and how these struggles can help bring down the system that makes prisons seem necessary so that part of us locks up another part of us. That discussion can be a part of later Notes. For now I will discuss some aspects of work in prison.

The legalization of slavery in the Constitution means that the state may require convicts to work in prison and may punish them for refusal to work. Generally, the courts have held that prison work assignments do not raise constitutional issues unless prisoners are required to do work that is medically inappropriate, beyond their physical capabilities, or contrary to their religious beliefs. The Constitution is not violated by long hours, low or no pay, disparities in hours or rates of pay, denial of work, removal or reassignment without a hearing. Noted one judge, "The administration of prison work is best left to the reasoned discretion of prison officials." In the states, job safety issues have generally been treated as common-law torts, which state prisoners must pursue in state court, while federal prisoners generally must use the Federal Prison Industries Inmate Accident Compensation System. In both cases, courts have been reluctant to find constitutional violations in the area of work safety.

What prisoners do for work varies from state to state to federal, from prison to prison. Commonly, they work for the prison (e.g., kitchen) or the government (e.g., making license plates, stationary, clothing, furniture). The quantity of work varies greatly. Job shortages are common, leading to jobs being handed out as rewards, taken away as punishment. For decades, due to union pressure, prison production has not competed with 'free' labor. More recently, private corporations have begun to utilize convict labor, paying prisoners "prevailing market wages" for jobs including computer parts assembly. (Business Week, 4/16/85:51) While corporations presumably like to use slave labor, prisons also have been pushed to expand industries by court orders to upgrade rehabilitation efforts--though other courts have ruled prisoners have no right to rehabilitation. What must be in doubt is the ability to extract an 'adequate' profit from cons, a generally work-resistant group.

Why, given low wages and onerous conditions for work, and 'free' meals and bed whether one works or not, do not most prisoners refuse to work? How, that is, do the prisons

make prisoners work?

Most prisoners do not have any money or outside family or support teams, so they have to go all out to get a paying job even if the job pays only pennies an hour. Most smoke cigarettes: a pack can cost more than a days wage. Cable TV, greeting cards, extra food, etc., all cost. Since prison wages don't enable purchase of much of this, many prisoners have to hustle: sandwiches, wine, drugs, porn, prostitution, etc.

All this takes place with the approval and complicity of the prison staff. Who else can smuggle in drugs, cash, etc.? The staff knows full well that, as in 'my own' prison, with only a few jobs and an overwhelming surplus labor force, they can be selective in hiring. They place the slaves who show the promise of peaceful, disciplined workers into the better paying jobs. Once in the job, a lot of cons become pro-institution and put out more work to please the boss.

If a prisoner receives a disciplinary report, the first and foremost thought that pops up in the mind of the person is "I'll lose my job." This fear has become the dominant calculated move by the staff in an attempt to discipline an often hostile, unsure, unskilled labor force. Prisoners who are not part of the 'elite' are not protected in their jobs; the elite are those useful to the staff because of their education, use as informers, help in running daily operations or role in running rackets together with the staff.

But the need for income or retention of 'privileges' is not enough of a weapon for the staff. Most all prisoners are concerned about gaining release. Losing a job means a lessened chance for release or a delayed release. The resulting fear and tension, fights over jobs, etc., enables the guards to keep the prison running with the least amount of trouble.

Prisoners who refuse to work may face consequences beyond those already noted. In Angola, Louisiana, refusal to work on the plantation (literally: sugar helps the state balance its budget) means one is confined to a cell 23-24 hours per day, 7 days a week, years on end. Other prisons are not so severe. But a refusal to perform slave labor marks one as a 'hard core uncooperative potential troublemaker.'

(These prison work notes have been edited from many sent by an incarcerated friend in an east coast prison. May freedom soon come.)

# The Delivery

6 June 1780

*"Unscrew the locks from the doors!*

*Unscrew the doors themselves from their jambs!"*

Allen Ginsberg, Howl (1956)

*"What good is a man who never gets locked up?' Flash wanted to know.*

*'He just ain't living up to his human potential if he don't.'"*

Nelson Algren, The Devil's Stocking (1983)



# of Newgate

We present here a short docu-drama about a neglected episode in what historians have called "The Gordon Riots" that transpired in London two hundred years ago. It raises themes of law, police, technology, and freedom that are more directly considered in other parts of this issue. The tale itself is based on documentary evidence that we would gladly supply

interested readers. We hope that readers may wish to enliven these pages by reading them aloud - for many English, American, African, and Afro-American accents would be quite suitable.





## Introduction

As the English ruling class extended its rule to India, Africa, the West Indies, and Canada in the 18th century, ever vaster sums of wealth were hoarded into its hands. With greater wealth came greater misery. As the wealth of the conquerors increased, the rebellions of the miserable did likewise: Mutinies aboard slave ships, the "Sanyasin" revolt in Bangla Desh, the "Whiteboy" outrages among Irish cottiers, slave warfare among the maroons of Surinam, wage-struggles in English manufactories, anti-enclosure rioting in the English countryside, and a revolutionary war of Independence in the American colonies.

What the ruling class had sown around the globe, it would reap in a whirlwind that swirled into the metropolis of Great Britain in the first week of June 1780. Then, the aristocrats were insulted on their way to Parliament, and robbed in broad daylight. A furious mob attacked the Bank of England and ransacked the house of the Lord Chief Justice. Artillery was implaced to protect the stock exchange. 15,000 troops were mustered around the city. The prisons were burnt and the prisoners therein liberated. Not since the Peasant's Revolt of 399 years earlier had the people of London taken the law into their own hands and opened the prisons.

On a normal day in London, the streets would be full of the many cries of hawkers:

I'm come this afternoon to play  
you a merry tune.  
I'll make you all as merry as I can.  
Pray give something to the poor man.

Buy all my eels  
Buy a dish of great eels.

Buy a broom  
A birch broom or a heath broom

Buy my shrimps  
Come buy my shrimps

Buy beef, a good fat piece of beef  
Hooa!

On the night before Newgate was "delivered" His Britannic Majesty, George III, celebrated his birthday, and those close enough to his palace may have heard the civilized sounds of the harpischord, the tinkle of crystal, the swish of silk, or the laughter of courtiers. Newspapers reported on this agreeable occasion:

Amongst the ladies...Lady Parker attracted the eyes of every one: she was dressed in a lilac and silver superbly trimmed with variegated silver gauze interspersed with tiffany and foil. The gentlemen's dresses were for the

greater part chiefly spring silks, flowered and plain, with tissue waistcoats...

Their majesties came into the ball-room last night soon after nine o'clock and after paying their compliments to the foreign ministers and the nobility around the circle, the minuets began. About 20 minuets were danced, which were succeeded by country dances and cotillions.

Across town, in Newgate dungeon, many hundreds had to celebrate the birthday - if inclined to do so at all - in utmost misery, yet they had their sense of humor. They dwelt in "the King's Head Inn." They were said "to polish the King's iron with their eyebrows." Their "vulgar tongue" had many names for this famous prison: the Whit or Whittington's College, City College, the Boarding School, the Sheriff's Hotel, the Chequer Inn, the Old Start, Little Ease, Nask, Queer Ken, Quod, Limbo, Trib(short for tribulation), the Repository, the Stone Jug, the Stone Tavern.

On the following day, the notable 6 June 1780, the prison was attacked, the prisoners freed, and the place burnt down. Such a shocking sight drew the attention of many eminent people, such as Jeremy Bentham, and a handful of poets, such as Sam Johnson, William Cowper, and George Crabbe whose description begins with the attack upon the goal-keeper's adjoining house:

They set fire to Akerman's house, broke in, and threw every piece of furniture into the street, firing them also in an instant. The engines came, but were only suffered to preserve the private houses near the prison . . . By 8 o'clock Akerman's house was in flames. I went too close to it, and never saw anything so dreadful. The prison was a remarkably strong building, but, determined to force it, they broke the gates with crows and other instruments, and climbed up the outside of the cell part, which joins the two great wings of the building, where the felons were confined: and I stood where I plainly saw their operations. They broke the roof, tore away the rafters, and having got ladders they descended. Not Orpheus himself had more courage or better luck: flames all around them, and a body of soldiers expected, they defied and laughed at all opposition. The prisoners escaped. I stood and saw about twelve women and eight men ascend from their confinement to the open air, and they were conducted through the street in chains. Three of these were to be hanged on Friday. At Akerman's house, now a mere shell of brickwork, they kept a store of flame for other purposes. It became red-hot, and the doors and windows appeared like the entrance to so many volcanoes. With some difficulty they then fired the debtor's prison, broke the doors, and they, too, all made their escape . . . Newgate was at this time open to all: anyone might get out.



I did both; for the people were now chiefly lookers on. The mischief was done, and the doers of it gone to another part of the town.

Another poet was there, William Blake, but he was young (23) and wisely chose to withhold the publication of his views of the scene until many years afterwards. It was a year of freedom for him. He had finished his apprenticeship and was in love. He also took part in the storming of the goal, a participant, not an observer. When he did write up his views, he adopted mythic and prophetic tones:

*I know thee, I have found thee, & I will not /  
let thee go:*

*Thou art the image of God who dwells /  
in darkness of Africa,  
And thou art fall'n to give me life /  
in regions of dark death.*

*On my American plains I feel the /  
struggling afflictions  
Endur'd by roots that writhe their arms /  
into the nether deep.*

*Friends of America! Look over the /  
Atlantic Sea  
A bended bow is lifted in Heaven, & a /  
heavy iron chain  
Descends, link by link, from Albion's cliffs /  
across the sea, to bind  
Brothers and sons of America till /  
our faces pale and yellow,  
Heads deprest, voices weak, eyes downcast, /  
hands work-bruis'd,  
Feet bleeding on the sultry sands, and the /  
furrows of the whip  
Descend to generations that in future times /  
forget.*

*The King of England looking Westward /  
trembles at the vision.*

Certainly, he was right to place the subject in a trans-Atlantic setting, because the inhabitants of Newgate, as well as their deliverers, were from the four corners of the ocean.

## The Delivery

Many hundreds were freed from Newgate. Many hundreds of others were freed in the days following from other prisons, King's Bench, the Fleet, Marshalsea, and other places of confinement, crimping houses and debtor's lock-ups. Most of those freed from Newgate, about whom we have sparse but exact knowledge thanks to trial records, had been incarcerated for crimes against property. They were Have Nots found guilty for trying to have what the Haves had. True, some were in for murder, like, Albert Lowe who lived in Shadwell. He was a jealous husband. At 3:00 AM when the "gold finders" or "tom turd men" came to empty the necessary houses, an occasion known as the "wedding," he quarrelled with his wife. "Don't believe him," she appealed to a neighbor, "for

he is a savage." He kicked and stamped upon her, and she expired from these wounds.

There were many kinds of property crimes. Some were highwaymen, the most glamorous of offenders. Two of the highwaymen, Humphreys and Sparrow were soldiers, who in London had deserted their regiments. One robbed a tripe-and-offal shop-keeper of his silver watch and chain. "Money or your life" was the terse command. Three of the highwaymen were Irish. Pat Doyle robbed the 18 year old son of the Earl of Denbigh as he was going from dinner in Soho Square to the playhouse.

Quite a few were housebreakers or burglars who practised either the "dub law," gaining entrance to places of private property by means of keys, or the "crack lay," achieving the same goal by means of force. As the wealth of the London bourgeoisie or middle class increased in private consumption hoards (silver, silks), rum dubbing increased accordingly, as Parliamentary committees noted. These cracksmen were refined technicians of appropriation.

William Bagnall was a watch-spring maker who had been in constant employment for six years. He was found guilty of many indictments, generally breaking and entering tailors' shops. The wife of one victim and the judges at Old Bailey were astonished to find the door of her house locked and the key still on the inside after the lock had been picked and the shop robbed. Sarah Stilwell was the servant to a wealthy silk mercer. She stole from him 19 yards of black silk, some was bombazeen and some were remnants. She was caught with a number of keys, keys that would unlock boxes kept out of doors and to tea chests that were kept below stairs. She was sentenced to death.

William Trubshaw, William Million, and James Steward were rum dubbers. They robbed an attorney in Lincoln's Inn, successfully picking the locks to his front door and to each room in his house. When the police searched Trubshaw's lodgings they found 30 keys, a dark lantern, a strong screw driver, and a tinder box. Trubshaw sold a dozen picklock keys to Steward. Steward was a watch-maker by trade who passed the idle moments of his evenings by filing keys. Million was found with fifty different pick lock keys in his possession.

James Penticross stole 36 yards of silk ribbon and 48 yards of silk gauze from a Smithfield warehouse. The doors of the warehouse were found open, and the owner's key would not work the locks. "I keep a key to go in in the morning," he said, "I do not book the goods over night." Penticross was found with three picklock keys "one of which fitted the lock very well." He had worked at an old iron shop.

It is obvious from the trial records that a lot of people took things that didn't belong to them because they had no choice. Some were

hungry, such as Mary Dyer, who found a door open one evening to a house in Charing Cross. The mistress of the household discovered her upon all fours underneath the kitchen table with a loaf of bread under each arm. She was taken to Justice Hyde's (whose house was destroyed 6-7 June 1780).

Others had had a hard time meeting the demands of the landlords, like Mary Jones, who worked in a slum "in making umbrellas." She did not earn enough "to make up her rent." She robbed a fellow lodger of her linen gown and sold it to an old clothes dealer. Or Alice Bellamy, who used to carry a sedan chair. She had been out of work. She too had "a great deal of distress" to pay her rent. She stole a pottage pot.

Quite a number were locked up for 'crimes' arising from trade disputes or disputes with particular employers. Thus, after James Naylor was dismissed over a wage dispute with a master grocer he took 41 lbs. of sugar from him. Or, Andrew Breeme who destroyed his master's tailoring workshop, because his master had become an "advertizing tailor" and paid impossible wages to the journeymen.

The most common trade dispute resulting in imprisonment had to do with "the oldest profession." Many prostitutes were freed from Newgate on 6th June, including Mary Cunningham ("I am a misfortunate girl of the town") who was paid in bad shillings by a "gentleman," and she was imprisoned for passing them off. A salesman at Leadenhall Market testified against Sarah Lynch: "I went in after my hat; they shut the door, and pulled up their clothes, and wanted me to have to do with them, and the prisoner unbuttoned my breeches, and took the bag of money out of my pocket." A recruiting sergeant lost his Colonel's money in these circumstances: Esther Hale "came and stood by me, and unbuttoned both the buttons of my breeches, and took my purse out." "They were very roomy breeches, made two years ago when they wore them very large; macaroni breeches I believe they call them." She fled to the Magpie where there were "many kind of ruffian-men" who were no friends to a recruiting sergeant.

Abigail Perfect went with a man who was the steward to the captain of a man-of-war, to her lodgings where he lost his silver watch and a pair of silver shoe buckles. The watchman named Tankard would not credit the theft. In court the steward said that she swore "as much ever I heard a sailor in my life time." When Mary Riley was asked by her landlady why she not robbed James Moore, a frequent visitor to her bed, previously, she said it was because he was a "particular friend." Later, she did rob him of his silver shoe buckles. In court he refused to testify against her: "I do not wish to hurt her she did her business so well; I love her too well to think of hurting her."

She was found "Not Guilty" but had not been released from Newgate, because she could not pay the exit fees.

We can conclude our description of the gaol-proletariat by mentioning the name of Lucy Johnson, or "Black Lucy" as she was known, owing to her color. She had robbed a Suffolk Schoolmaster. He was in Chick Lane looking for a second-hand waistcoat. "Black Lucy" invited him to accompany her to an Irish lodging house, run by Hannah Doyle. He accepted. No sooner was he inside than "Black Lucy" threw him to the floor, virtually throttled him, ripped open his breeches, and robbed him of a guinea and 8 half crowns. She was apprehended, gaoled, and when she sent word to him to "make it up" he refused. There were other nationalities in Newgate, Italians and Jews for instance, the Irish have been noted, but of most significance were the Africans. Your bleached history of England ignores this, yet people of color are decisive in British history, as ought to be known. Another Black woman, Charlotte Gardiner, was most forward on the 7 June in pulling down a house in Tower Hill. She led a mob with two men carrying bells and frying pans in a noisy procession. She was heard at this house shouting,

Huzza, well done, my boys, knock it down, down with it. Bring more wood to the fire.

and she was seen taking two brass candlesticks out of the dining room.

Let us turn from the 'delivered' to the 'deliverers.' These were led by Afro-Americans. The Afro population of London in 1780 comprised about 7% of the population. Already its influence on London talk, drinking, and club life was felt.

Contributions to talk included "scavey" for knowledge, "Kickerapoo" for dead, and some sayings directly relevant to the theory of justice and property, such as, "takee no stealee," "no leevee, me takee," and "catchee no havee." Brandy, water, and sugar, or "bumbo," was an Afro contribution. The people of Newgate, as those of London as a whole, can be likened to another popular drink, called "All Nations," since it was a composition collected in a single vessel into which all the dregs and drainings of a dram shop's pots and bottles were emptied.

The London African population, perforce, organized its own clubs. A newspaper reported:

Among the sundry fashionable routs or clubs, that are held in town, that of the Blacks is not least. On Wednesday night last, no less than fifty-seven of them, men and women, supped, drank, and entertained themselves with dancing, and music, consisting of violins, and other instruments, at a public house in Fleet-Street, till four in the morning. No Whites were allowed to be present, for all the performers were Blacks.

Benjamin Bowsey and John Glover, two leaders of the attack on Newgate, were in fact Afro-Americans, experienced in slavery, ship-life, insurrectionary and "revolutionary" politics. They came to London as servants. The chief magistrate of London kept an eye on the Afro-American population. He summed up his experience thus:

Black servants no sooner arrive here than they put themselves on a footing with other servants, become intoxicated with liberty, grow refractory, and either by persuasion of others or from their own inclinations, begin to expect wages according to their own opinion of their merits; and as there are already a great number of Black men and women who made themselves troublesome and dangerous to the families who have brought them over as to get themselves discharged, these enter into societies and make it their business to corrupt and dissatisfy the mind of every Black servant that comes to England.

Benjamin Bowsey left America in 1775. At Newgate he was called the "bell weather," a term denoting in farmer's talk the lead sheep. Bowsey, several witnesses averred, was the leading speaker before the actual attack began. He was seen in Akerman's house, going through drawers and bundles. Later in the day he returned to his lodgings that he shared with Ann Lessar. She removed Akerman's initials from a pair of stockings and instead embroidered "B.B." He also took from the Gaol keeper a small, leather-bound volume with a silver clasp. That night, Bowsey returned to a former employer in whose servant's hall he slept. The servants remembered and welcomed him. It was after he departed that Ann Lessar noticed the key that Bowsey placed on the shelf.

"Was it there when he left the lodging?" The judges asked her.

"I believe it was there: I saw it once or twice. I never knew the meaning of the key."

John Glover was an Afro-American, variously described as "Black," "copper coloured," or "tawney," who worked as a manabout for an attorney. He was heard shouting to a crowd on Snow Hill,

"NOW NEWGATE!"

and leading a contingent to the prison, where others noted that he took the lead both in piling up combustibles and in dealing with the guards, whom he addressed as follows:

"Damn you, open the gate or we will burn you down and have everybody out."

Afro-Americans led the delivery of Newgate. They led hundreds of others, not all of whom were nameless. George Sims, for instance, worked for a tripe seller. Immediately preceding the formation of contingents to attack the prison he "had words" with his wife, she "being out of work." He had had sailoring experience, and was heard shouting continuously,

"NEWGATE AHOY!"

Francis Mockford was a waiter at a tavern. He obtained the "great keys" to the prison. He held them aloft upon a pitchfork, a trophy of victory. When he returned to his lodgings, he threw the keys on the table, announcing to his fellow lodgers,

"I have got the keys to Newgate."

His landlord refused to come near them, for fear of contamination. Subsequently, Mockford disposed of the keys by walking out to the middle of Westminster Bridge and tossing them into the middle of the Thames.

If everything in history has its material and its ideological side, Mockford in possession of the keys was the materialist of the delivery. Thomas Haycock, or "Mad Tom," was its ideologue. He was the first into the prison and he boasted that he "let out all the prisoners." His neighbors regarded him as mad. They said to him,

"Tom you have no property to lose, when you have lost that coat on your back, you have lost all you are worth."

Why did he participate in the delivery, the court asked. "The cause," he replied. And what was that? "There should not be a prison standing on the morrow in London." He led a contingent or a column to the gaol (not so mad that others would not follow him). He explained in succinct words that can be pondered by critical theorists of law:

"From thence they proceeded to Newgate, and gave them five minutes law."

Blake, the poet, remembered these five minutes of law. He wrote,

*The morning comes, the night decays, the/  
watchmen leave their stations  
The grave is burst, the spices shed, the/  
linen wrapped up;*

*The bones of death, the cov'ring clay, the/  
sinews shrunk & dryd*

*Reviving shake, inspiring move, breathing,/  
awakening,*

*Spring like redeemed captives when their/  
bonds and bars are burst,*

*Let the slave grinding at the mill run out/  
into the field,/  
Let him look up into the heavens & laugh/  
in the bright air:*

*Let the chained soul, shut up in darkness/  
and in sighing,*

*Whose face has never seen a smile in thirty/  
weary years,*

*Rise and look out; his chains are loose, his/  
dungeon doors are open;*

*And let his wife and children return from the/  
oppressor's scourge.*

## An Interlude

Today there is one familiar everyday item in most homes that remains essentially the same as it was 200 years ago.

That seemingly simple device: the toothbrush. The modern toothbrush as we know it today,

was invented in London in 1780. In that year 40,000 took to the streets in what were known as the Gordon riots. One of these people was William Addis, stationer.

Because of his involvement in the riots, William Addis went into hiding. To avoid the fate of seventy-five others who were executed, he and his companions hid in barns and stables. One of the places he also hid was a slaughterhouse.

To while away the waiting hours, William Addis practised the art of carving in bone, a popular diversion of the time. It seems that, as he was working on his carving, he noticed horse hair on the floor from a slaughtered hide.

William Addis then realized that on one hand he had horse hair and on the other hand his bone carving, and that there must be a way to combine the two to help clean his teeth. He bored several holes in the bone, inserted the hair into one end, leaving the other as a handle; and invented the world's first toothbrush.

So reads a poster called "The Toothbrush," published by the Addis Co., Ltd., Ware Road, Hertford, England.

## Conclusion

The English gentleman was not safe, his property was insecure, his civilization might crumble: these were inescapable lessons of the delivery of Newgate. He therefore took counter-measures. Some were ideological and some were material. We'll discuss the ideological first, by reference to two English gentlemen, the Earl of Mansfield and Jeremy Bentham.

After Newgate was burnt, the mob turned up-town to attack the house of William Murray, Earl of Mansfield, Lord Chief Justice of His Majesty's Court of King's Bench, the highest judicial and legal officer of the empire. Indeed, it was an easy walk to his door.

This Scotsman had adopted English law to "the needs of a rapidly expanding commerce and manufacture." He made law of insurance, promissory notes, insurance bills and marine freightment. He also personally caused 29 people to be branded, 448 to be transported, and 102 to be hanged.

Whenever he smiled, one writer felt "an involuntary emotion to guard myself against mischief." Judges were not kindly talked about by the London people. They were "fortune tellers" because they divined a person's fate. They were "lambskin men" because of the ermine they wore. In belonging to one of the Inns of Court, they created "gentlemen of the three ins" - indicted, in gaol, and in danger of being hanged. The vicious chevaux de frise that topped the walls of the prison was called "Lord Mansfield's teeth."

The "levelling spirit" of the mob led it to

attack his house, his paintings, books, clothing and liquor. Some people got in trouble for this action, to wit:

John Gray, a man who walked only with the aid of a crutch, was seen that evening in Bloomsbury Square with a bottle of the Judge's booze. The court sentenced him to death.

Elizabeth Trimmings, an Irish woman, was tried for possessing sundry articles of kitchen and table ware of Lord Mansfield, whose cook recognized particularly five China dishes.

Sarah Collogan was sentenced to a year imprisonment because she was found wearing a printed cotton gown of Elizabeth Murray, his Lordship's neice.

Letitia Holland was sentenced to death for having in her possession two petticoats, one black the other green, that had belonged to Lady Mansfield.

Lord and Lady Mansfield escaped by the back stairs. Their skins were safe. But they were enraged by the loss of waistcoats and petticoats, and they would have had some of the most lovely of the age, silk and lace, important parts of their personages. So, they caused the hanging of those who dared to play "dress up." Mary Gardiner bragged about it. She was caught wearing a white petticoat and apron belonging to Lady Mansfield. At her trial she said,

"She thought she had a right to wear them as she had got them."

Oh, at this the court's ears pricked up. She had to repeat her meaning, and again, she said she had a "right" to wear them. The theorist of English law was William Blackstone. His many columned Commentaries on the Laws of England were all about "rights" and "wrongs." He died in 1780, so others had to consider this new "right." Gardner was sentenced to hang, sus. per col.

Mansfield and Blackstone were ideological practitioners of the law who are still venerated by modern Tories. They took a long, imperial view, and were not afraid of blood, even in day time. Jeremy Bentham developed a new theory of crime-punishment-law, and he did this at the time of the Gordon riots. He was a hypocrite, but he was also a materialist of a kind. He tried to shut himself off from the cries of the London streets:

Oars, oars, do you want a boat for the evening to Vaux Hall.

To light your lamps I have command  
Pray in my way then do not stand.

The Ordinary of Newgate, His Account of the Behaviour, Confession and Dying Words of the Malefactors Who Were Executed at Tyburn.

I am the bell-man for the night  
To ring my bell is my delight

To let you know Christmas is near  
And when it comes it brings good cheer  
Past one o'clock, good morrow my masters

all good morrow.

Jeremy locked himself away in his study. On the 6th of June, he stayed up late to write about the flames. His hairdresser had told him about the armed mob. Jeremy armed himself against the mob; "I was a military hero for a night," he thought. It was also at this time that he had a feverish dream "that I was a founder of a sect; of course a personage of great sanctity and importance. It was called the sect of utilitarians."

Jeremy had been staying up late at night working on a cost-benefit analysis of crime and punishment. Where Mansfield turned accounting and merchandizing into law, Bentham turned law into merchandizing and accounting. Just before the delivery of Newgate, he wrote his tract The Rationale of Punishment, in which on paper he opposed capital punishment. Only on paper though.

The man servant who used to serve him coffee in his study was named John Franks. John had damaged a couple of silver spoons. John became connected with an "infamous woman," grounds for dismissal. John returned the day after Christmas, 1779, when servants customarily got their "boxes." Jeremy returned from the opera:

It is my method to take a servant with me round the house to see if every thing is safe. I went that night particularly into the study, which has some windows toward the garden, and one door only which opens into the house; that study lies remote from the other part of the house. I saw the windows fast; I locked the door myself. The servant that warms my bed brings up the keys at night; and she comes up in the morning for them to distribute to the rest of the servants.

John took some money that night, plus he took the spoons. He was caught, and said in a European accent,

This is all the money me got, me swear a robbery against you if you take my money away."

Jeremy and Mrs. Bentham went several times to the Old Bailey to secure a conviction against their servant. 12 April 1780 he was hanged. The papers said:

The venerable appearance of Franks with his grey hairs peculiarly attracted the attention of the spectators. He was just 65 years of age, and read his last repentant prayers with spectacles.

After 6 June, the property holders of London turned their attention to physical and technical means of preserving their silver spoons, silk petticoats and money boxes, and to restraining the activities of those of the world's have-nots who were closing in. Bentham was something of a technician in this way. He re-designed prisons in such a way to avoid any repetition of 6 June. He even thought he could create a space that would do away with locks.

As more things needed to be locked up, more

people were locked up too. The materialist lesson of 6 June was taught by a man named Joseph Bramah, the genius who made the first technological innovation in locksmithery since Etruscan times. After 6 June 1780, he published a book, called,

A Dissertation on the Construction of Locks. Containing, FIRST - Reasons and Observations demonstrating all LOCKS, which depend on FIXED WARDS, to be erroneous in Principle, and defective in Point of Security. SECONDLY - A Specification of a LOCK, constructed on a new and infallible Principle, which, possessing all the Properties essential to Security, will prevent the most ruinous Consequences of HOUSE ROBBERIES, and be a certain Protection against Thieves of all Descriptions.

Moreover, Joseph Bramah quite explicitly tells us what got his mind working on this problem to begin with:

The idea of constructing a Lock that might resist every application, and effort of art, was first suggested to me...by the alarming increase of HOUSE ROBBERIES.

More especially, he was interested by preventing in this technical way, the inside job, that he expresses in the language of class warfare:

The hasty execution of a midnight robbery in which servants of the family do not act a part, will not allow sufficient time (if proper instruments were at hand) to overcome the difficulties which ingenious locksmiths have opposed to foreign invaders; my chief attention, therefore, was applied to contrive a security against the advantage, which a domestic enemy possesses, in the opportunity of executing his purposes at leisure.

The lock he invented was based on moving internal parts, instead of fixed wards, and it was capable of an infinitude of variations. It was the progenitor of our Yale lock. At a stroke, it made obsolete the rum dubbers tools - the "chives," the "gilts," the "Kates," the "Bettys" and the "Bessies." Its secrets could no more be ascertained "than a seal be copied from its impression on a fluid, or the course of a ship be discovered by tracing it on the surface of the waves."

We hope, dear reader, that you have been at least amused by this true tale. It is a curious concatenation of events that leads us to think of Benjamin Bowsey, Lucy Johnson, John Franks, and John Glover next time we brush our teeth or insert a key into a lock. These events, however, are not only curious. If you wish also to be instructed by them, recollect your history well enough to know that 6 June 1780 prefigures the pattern of events in the revolutionary 1790's - attacks on prisons, Afro-American autonomy, re-organization of police, and mechanization. Besides amusement and instruction, you may have questions. We wonder why homes become prisons of things, and why prisons become homes for people.



William Blake possessed the gift of prophecy. He continued his poem inspired by 6 June 1780:

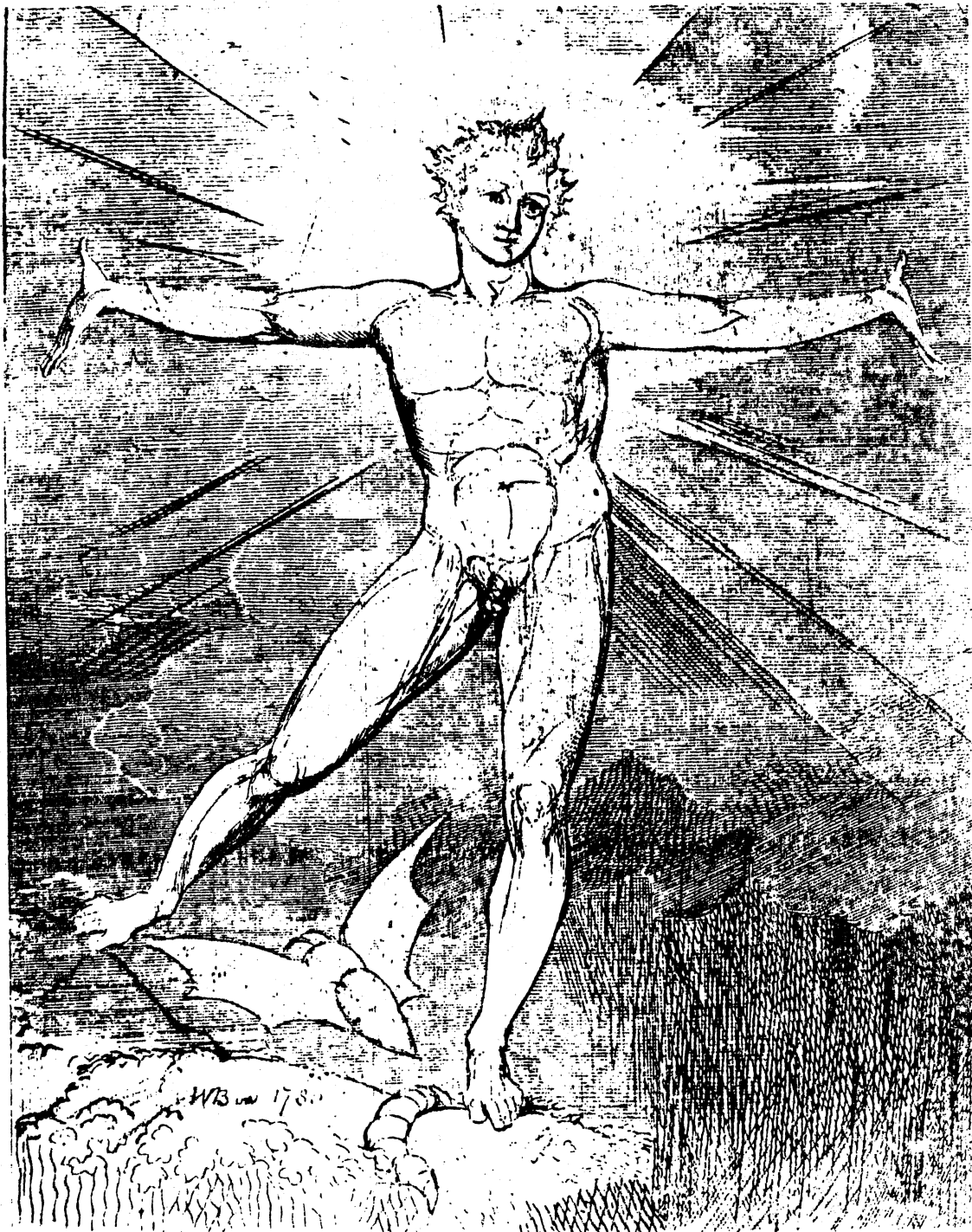
*They look behind at every step & believe/  
it is a dream,  
Singing: "The sun has left his blackness &/  
has found a fresher morning  
And the fair moon rejoices in the clear and/  
cloudless night;  
For empire is no more, and now the lion & wolf/  
shall cease.*

Blake also engraved an image of 6 June 1780 called "Albion rose from where he labored at the mill with slaves," which we reprint. But lest you, dear reader, think that we have

been overcome by the spirit of revolutionary prophecy, to show that our tastes remain herbal and our feet on the ground, we conclude as we began, with the street cries of London two hundred years ago:

*I nothing say  
But here attend  
Apply to me  
Your feet I'll mend  
Corns to Cut.*

*Rue a farthing a bunch  
Sage a farthing a bunch  
Thyme a farthing a bunch  
Mint a farthing a bunch*



Thanks to Bryn, Dan, Dave and Mike.

BLAKE



# Substruction in the Class/Room Struggle

Setting aside work and discipline, this spring students began to build the framework of a new mass movement. In the month of April alone over 100,000 students participated in pro-divestment actions at over 60 colleges and universities, including many of the largest in the country, with several thousand arrested.

Capital has fresh and painful memories of dancing to the tune set by students in the 1960's and is therefore attempting to limit and disarm student struggles wherever it can. Although the new student movement is still in its infancy, it is clear that already there is a lot at stake. Underscoring this is the fact that today over 12½ million students are enrolled in the factories of higher education--a 50% increase since 1970.

The fact that the potential power of students is recognized by both capital and the left, and that the student movement is still young, makes it imperative that we discuss *how to push the student movement forward, how we can adopt the most effective strategies, tactics and organizational forms.* Our brief look at the student movement will be limited to analyzing the student struggles themselves, their content, development, circulation and direction, as opposed to adopting a more complete analysis that would, for example, also look more closely at the relationship between students and other sectors of the working class or more at capital's plans for students. We have written this article based on our experiences as student activists at universities in the Northeast and our discussions with other activists across the U.S.

## Many Unsung Roots

Over the past few years, students across the country have been engaged in diverse struggles, all of which have nourished this spring's resurgence of visible mass protest. The fact that these struggles have been obscured and concealed while the divestment struggle alone has been embraced by the media makes it imperative that we understand the recent historical context of this spring's struggles.

Anti-sexist struggles have fought violence against women, organized support for the demands by clerical, technical and service workers for pay equity, and demanded child care for students who are mothers. The "Take Back the Night" marches, the struggle of predominantly women workers at Yale University in the

Fall of '84 for "comparable worth," and the battles at Medgar Evers College in Brooklyn (see Notes #7) and at U. Mass.-Boston for, among other things, child care programs, are but a few examples of the struggles of women at universities.

Black, Latino, and other non-White students have organized struggles to combat their declining enrollment due, in part, to racist admissions policies and to capital's attack on financial aid programs. At Brown University, for example, a coalition of Black, Hispanic and Asian students has organized building occupations and other demonstrations in support of demands for an increase in non-White faculty, more "minority" studies programs, more financial aid, and an end to racist attacks by campus police and chauvinist White students. Similar struggles countering racism have also been waged at other colleges around the country, from San Francisco state to Cornell University.

The relationship between these anti-racist struggles and the spring divestment movement, and the level of unity between them, has varied from campus to campus and changed over time. But it is important to recognize that *the experiences of people of color have circulated within the divestment movement and that students of color have initiated and provided leadership in the divestment struggles at many schools.*

Students have engaged in direct actions to prevent capital's international road show of G. Bush, H. Kissinger, J. Kirkpatrick, A. Haig and C. Weinberger, from appearing on many campuses across the country. Since the spring of 1984, these actions have generalized into actions against organizations, the most notable being the C.I.A., which has been booted off over 30 campuses.

At U. Colorado-Boulder, 478 arrests were made over three days as students and supporters battled to keep the Company off campus. At U. Wisconsin-Madison, cops made it clear who they were there "t protect and to serve" when they maced students trying to stop CIA recruitment. These actions also produced new tactics by students such as the "citizen's arrests", and they have been broadened to include corporate recruiters.

The militarization of the university since 1979 through programs and policies such as the Solomon Amendment (coercing draft registration), the expansion of ROTC programs, and direct military research and development con-

tracts, has also been met by fierce resistance. The burning down of the ROTC building at Berkeley this past year is the most dramatic example of this resistance.

The significance of the actions noted above is two-fold: First, they are based on the immediate and specific social reality of students, and so ultimately express the demand by students for greater control of the university. Second, they generally have taken the form of direct action that is autonomous both from national political organizations and from bureaucratic university channels.

It is precisely because of these features that even "liberal" newspapers such as the N.Y. Times, Boston Globe, Washington Post, etc., have consciously opposed the circulation of these experiences in their broadsheets. These very same newspapers which refuse to make mention of autonomous direct action, go a-courting the most reformist strands within the student divestment movement, in order to restrict students' imaginations to the processed images of acceptable protest. Even that "independent radical newsweekly" The Guardian (of NYC) wrote with unabashed enthusiasm on June 5, "Today's activists emphasize their predecessors' mistakes and differences in approach - such as *minimizing confrontation*," (emphasis added).

## "April is the Cruellest Month"

The divestment campaigns that achieved such widespread attention this past April have been active for the better part of a decade. More precisely, most were engendered by the Soweto uprisings in 1976, and continued to be active for a number of years, often achieving important but limited victories such as pledges by university trustees to adhere to the Sullivan principles as well as divestment by a few colleges. Like this first wave, the divestment campaigns on the campuses this past spring were spurred by the daily insurrections in South Africa, as well as by the "arrest-fests" that were staged by TransAfrica and the Free South Africa Movement throughout the fall of '84 and spring of '85. In California, the divestment movement gained much of its strength from the actions of the International Longshoremen and Warehousemen's Union (ILWU) in San Francisco. In November of 1984, the ILWU refused to handle South African goods, and during the spring divestment campaign, they marched to Berkeley to support the students.

April 3 saw Boston area students and Boston cops squaring off against each other at a demo calling for, among other things, more student aid, an end to apartheid and self-determination for Central America. Columbia students began their action outside Hamilton Hall on

April 4. On April 10, Berkeley students started a similar sit-out. Rutgers began a sit-in at their student center on April 12, Cornell began major actions April 18, and from there the movement spread to universities such as U. Florida, U. Iowa, U. Kentucky, U. Wisconsin (occupied the rotunda of the state capitol for 15 days), and 50 other colleges and universities. The tactics employed varied greatly from school to school and within individual campuses. Besides the sit-outs and -ins, blockades and building occupations, there were also petitions, rallies, vigils, marches, hunger strikes, student strikes, mass civil disobedience and the construction of shantytowns.

*Tactically speaking, a number of the actions were positive in that they integrated autonomous direct action with mass decision-making.* Unfortunately, an equal number frequently verged on the absurd, as students often negotiated the terms of their arrest with the police (satirized even by "Doonesbury"), hired lawyers to negotiate with administrators and other judges, and organized their actions to meet the expectations and deadlines of the established media.

Pandering to the media, in particular, often became a goal in and of itself. In listening to some students who participated in the spring actions, it seemed as though they believed that "bad media" for the university would be a sufficient condition to force divestment, especially if that bastion of truth the NY Times covered the story. This belief in the media as being an independent and impartial "Fourth Estate" is somewhat extraordinary in light of the fact that university trustees are also often on the boards of the media corporations. The tendency to plan strategy around media coverage has dangerous repercussions, for it is a tactic that chains the movement to limited structures, as students police themselves both in the form and content of their actions.

These tactical mistakes, though, must be seen in the context of the movement's more positive and challenging actions. At Tuft's University in Massachusetts, for example, several hundred students voted at a teach-in to disarm the campus police - a vote and a result engendered by police infiltration of student organizations and by the cops' strong-arm approach during the spring struggles. At Cornell, similar proposals to disarm the campus police were made through the school newspaper, and again it was a result of continual student-police confrontation.

At U. Mass-Amherst, and other universities where arrests occurred, students often attempted to blockade the buses carrying their fellow students to jail. On occasion, such actions were criticized by "moderate" pro-divestors. On many campuses around the country, students erected shanty-towns and tent cities

on land surrounding "their" administration buildings, thereby following the tradition laid down by the Diggers 350 years ago and more recently by People's Park. At Cornell, the administration and police, following the tradition of their counterparts in South Africa, bulldozed the shantytown and surrounded the land with barbed wire.

At Berkeley, several hundred students abandoned the routine outside the administration building and marched through the downtown area, invading three banks, the courthouse and the local high school. They were, not surprisingly, denounced as "hotheads" by both the media and the social democrats. Banks doing business in South Africa were also a favorite target of students in Madison, Wisconsin, where students became so adept at protesting that they were able to shut down, albeit with a little trashing, a branch of the state bank with only a handful of demonstrators.

## Attempts at the Subversion of Autonomy

One of the real measures of the strength of any struggle is the extent to which it embodies the image of the "future" society in the present. The political and social forms that were consciously developed in struggle over the spring, including mass decision-making and non-hierarchical organizational forms, certainly contained something of the "future in embryo." Perhaps most encouraging though, was that these actions, rooted in the particular circumstances of each individual campus, were largely spontaneous and did not have regional or national organizations superintending them. In fact, there are no national grassroots student organizations in existence, though the ones that are nominally national, such as the Progressive Student Network (PSN), a social-democratic organization based in the midwest, have become larger and more organized and are now jockeying for the position of "central committee."

The fact that the student risings this past year actually happened - and happened without any "orders from above" - has propelled the whole question of organizing nationally into considerable importance. Both the left and capital, each seeking to redirect the student movement into its own channels, recognize that, if they are to have some influence upon the shape and direction of the student movement, then national student organizational forms must be developed under their control.

The struggle that is being waged at this point in time within the movement itself, and which is primarily centered around the issue of national organizing, is basically a struggle over the autonomy of the student movement. While this struggle continues to take place

on individual campuses vis-a-vis administrative channels and "official" student organizations, it is on the national level that the struggle between autonomy and cooptation is today most important and its outcome will have a powerful effect on the direction of the movement.

Who are these forces of cooptation on the left and why are they a problem? On the one side are those whose agenda is the modern day equivalent of the united front - the boosting of the "Peace, Jobs, Justice" platform and the reinvigoration of the decimated ranks of the Democratic Party. Thus we see J. Jackson making his oratorical rounds in the yards and quadrangles of America's universities (note well, not in the streets). Jackson also pushed heavily for the April 24 national student anti-apartheid day which, co-incidentally, was coordinated from the Democratic Socialists of America (DSA) national offices in New York - supposedly at the behest of Columbia University students. Even the United Nations is getting in on the act (The first time as tragedy...), with the U.N. Special Committee on Apartheid and the American Committee on Africa sponsoring a conference of student "leaders" from around the country on May 7 "to gain a better understanding of the student upsurge in the country." The U.N. is even threatening to sponsor an international student anti-apartheid conference in November (...the second time as farce?)

On the "other" side are all sorts of left groups, often former Maoists, old-style "communists" and open social democratic organizations, now entering the active ranks of divestment. Having made their basic peace with social democracy, they inevitably support precisely the same strategy and tactics as the 'left' of the Democratic Party (DSA, Jackson). Again a return, farcical engagement of the united front to support the "progressive" bourgeoisie. Their forms of action are use of the media, negotiations, and organizing "student" conferences to attempt to control the student movement by cultivating the "acceptable" wing of the movement and by using their resources to muscle in on the national student organizing.

These various attempts at the subversion of militant student autonomy are, however, running up against the student movement's existing organizational forms which act as antibodies to attempts at cooptation. A movement that has erupted "spontaneously," without any bona fide national organization, that is decentralized and which practices direct action and direct democracy, will not readily succumb to the efforts of various groups at limiting and controlling it. To be sure, the movement derives its very strength from *not being institutionalized* or hampered by some top-heavy, hierarchical, command and control center, with its own agenda.

This is not to say that students shouldn't organize nationally or internationally. On the contrary, more organizing on both levels needs to be done and is being done in a variety of ways - on the phone, through the recently formed student computer networks, and through circulating the experiences of struggle in person. However, the struggle must be waged between organizing nationally and a national, centralized organization, between autonomy from capital and the reformist left, and the distinct possibility of cooptation.

The need for autonomy rests not only in a long term perspective which opposes social democracy in its multiple guises, but because the strategies pushed (imposed when they can) weaken the movement even for the goals we can share with social democrats (e.g., divestment, an end to apartheid, and end to U.S. domination of Central America--though all this may be conceding too much to many social democrats who want a 'beneficent' U.S. imperialism). Our problem is not that they propose legal, peaceful, limited actions, but that they oppose expanding the boundaries of the struggle. Moreover, from our perspective as students, they are nothing more than parasites, interested only in leeching our strength while asking us to put aside our own specific struggles.

Holding back the struggle, allying with capital, is a tactic of capitulation: at best, liberal capital will only fight with other capital over the terms of exploitation. Such fights may be useful to us, but only if we can use them, which demands being autonomous from them. To even get reforms, inter-

nationally or in the U.S., we must push beyond reformism. That students have done this is clear. Counter to conciliation, some students have raised the tactic that to get divestment and other concessions, the universities must become ungovernable, as the people of South Africa have determined to make that nation ungovernable and unprofitable until apartheid dies.

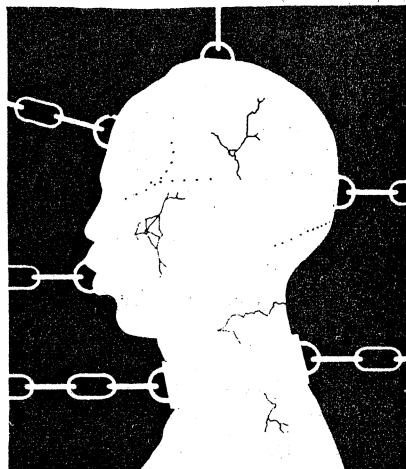
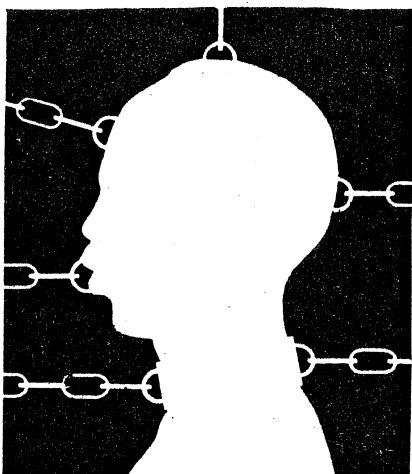
## Excarceration or Education

It is difficult to predict exactly how the student movement will evolve, but it is clear that it is heading in a particular direction. On the organizational level, it seems likely that the movement will continue to retain a high degree of autonomy on both a local and regional basis. Students are already organizing on a regional basis, with West, Mid-West, South and Northeast operating largely in separate and distinct spheres, and at the local level are making demands that cannot be met through official channels.

Tactically, it is clear that certain elements within the movement will seek to repeat the tactics of the past spring on the basis that they have been successful in mobilizing large numbers of students. To the extent that some of these tactics were equally successful in getting large numbers of students arrested, it is imperative that the movement discuss the obvious shortcomings of this tactic of capitulation. Otherwise, not only will we simply continue to fill the state's coffers, but also we will exclude from the movement many more



South Africa? No - Cornell!



students who daily lives of school, waged job, family, etc. often precludes days of sitting, going to jail, paying fines, etc.

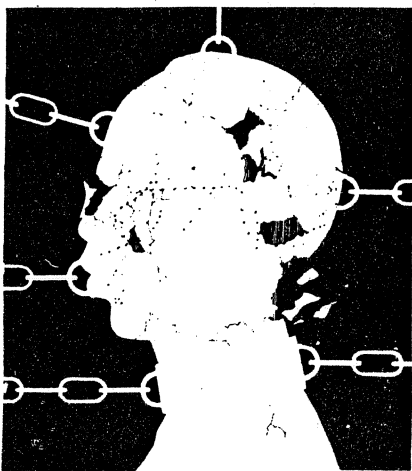
It is precisely in the process of struggle that students are beginning to recognize their own interests as a particular social force, as well as their ties to others. In marches that are taking place from one school to another (engineering to liberal arts), and from one neighborhood to another, in struggles demanding an end to sexist and racist attacks and an end to attacks on the student wage designed to systematically purge the working class from "higher education," students are beginning to overcome the divisions capital has imposed on them in order to rule.

When, for example, students are forced to recognize that the legal fictions professed by the university's courts are only laws within laws, an additional disciplinary process on the terrain of academics designed to punish academically (suspension, expulsion) for participation in struggle, they are forced to understand how their struggle on campus helps the struggle against apartheid. And when students realize their specific role as unwaged

raw material in capital's social factory, it becomes clear why they must fight the university, the state and the South African regime. *It is only when students struggle for them-*

Students must now begin to move beyond divestment (but not stop that demand) and begin to act for themselves, conscious of the specific settings and circumstances that define them. The students are in motion, but do not yet realize the particular social reality in which they exist, their relation to capital and to other sectors of the working class (we can here exclude those who calculatedly seek to manage the rest of us for the purpose of ensuring accumulation). In this, students will have to overcome their own divisions as well, rather than be dominated by some sectors of students acting in the name of all sectors.

*It is only when students struggle for themselves that they can begin to practice true solidarity with revolutionary movements in South Africa, Central America, etc., and in that solidarity the students own struggles reveal their importance in the attack on capital.*





## Ourania

See me,  
I'm not wearing steel  
not dressed for battle,  
I'm naked  
clothed only with thought.

On earth, in the sweet soil of Messenia  
I was as light as the earliest dew  
a prophetic wind taught me to breathe  
the dawn to see.

I longed for everything to be love  
not law, laws and still more of their laws,  
that's why they condemned me to death.

If my pen were hard enough  
to write on marble skulls,  
those who tried to hurt me  
with cheap insults in jail  
and who imagined  
that in my twenty years on earth  
I only saw  
roses that smiled at me  
would learn something.

A big thirst drove me  
to find clear water.

Running, running  
always hunted  
I reached this ditch.

Will a tree bend its shade  
on my death?  
Who knows?

--From 1000 Killed Girls, by  
Rita Bouri Papa  
Translated from the Greek  
(About the Greek Civil War)

## Negri Beyond Marx

by Guido Baldi

Salutations-abuse, farewells-welcomes:  
inverses that mingle. This review of Marx  
Beyond Marx is a pair that touches as well.  
The book has a history of production. It  
is a transcription of lectures on the Grun-  
drisse given by Negri in France in the Ecole  
Normale Supérieure in 1978: 1978, a year after  
the Italian spring of 1977 and a year before  
April 7, 1979. Is it an end or a beginning?

Toni spent 1968-78 Italy and, unlike in  
France, the class struggle had been far from  
dull. His flight to the Ecole Normale Supe-  
riore (a few steps ahead of the Italian po-  
lice) was also a challenge, but a different  
one from the decade of the true Italian "mira-  
cle." For in France in 1978 he had to face  
Marx-and---defeat. Not that Marx himself  
did not mix well with exile, fear, poverty,  
humiliation and despair, for think: 1848-  
1858. A decade after a defeated revolution in  
Paris, Marx feverishly writes the Grundrisse  
in London. It is the book of minds still  
scheming at the bottom of the world.

Marx beyond Marx, by Antonio Negri, 1984,  
Bergin & Garvey, Massachusetts

## Marx Beyond Midnight

by Bartleby the Scrivener

"How can there be calm when the storm is yet  
to come?"--Linton Kwesi Johnson

"Let the people everywhere take heart and hope,  
for the cross is bending, the midnight is pas-  
sing, and joy cometh with the morning."  
--Eugene Debs, on his way to prison.

I want to make clear that I agree with Guido  
Baldi's criticism of Negri for not emphasizing  
women and "third world" people in his "updating"  
of Marx. I too too was amazed at p. 65 where  
Negri seems to be saying that he's learned  
something about unwaged reproduction work, but  
remains abstract.

But Guido's discussion of Negri's concept  
of "self-valorization" reads the same way to  
Page 32

me. It is from reading Midnight Notes that I  
came to understand that the class' motion con-  
sists of complementary poles, one of which is  
the actions of those who, lacking the wage as  
their lever of power, create new relations  
"appropriate to the working class on its way  
out of the capitalist era" (Computer State  
Notes). We know today that these relations  
can lead to more unwaged work--but whether  
this in fact occurs is a focus of the struggle!  
When women at Medgar Evers College create  
their own student-run bookstore and day care  
center and then use these new relations as  
bases of power to win state funding, is there  
any reason that we should not understand this  
process as Negri's self-valorization in action?  
In reading Marx Beyond Marx, I do not find

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No wonder the Grundrisse is so compressed, so convoluted, so much the Finnegan's Wake of Marxism. For the prime requirement of Marx' task was: DON'T PANIC. And the best antidote to panic is "talk"...incantation even.

First: tell yourself there's no easy way out.

Second: remind yourself of how you got there.

Third: look around and study everything from the bottom up.

Fourth: do something or do nothing.

The main problem with Negri qua Marx is this: Negri was in a tight spot in 1978 but he treats defeat the way he had handled any other turn in the movement's course. He does not recognize it and so displays all the virtues of consistency, and its vice.

I am not interested in comparing Negri's Marx with any other Marx. If there is any comparison, it is between Negri's Marx and our present project. (Though I still read the Marx of 1858, and not only as an incantation: after all, the Grundrisse is Marx' Midnight Notes.)

What good is Negri's Marx for us? That is my question.

Perhaps Marx Beyond Marx is a labor-saving device: 190 pages of Negri (the lectures themselves) for 900 pages of Marx. Perhaps not less nor more difficult--but a short version can come in handy.

Perhaps it is a mnemonic device for those who have read the Grundrisse but whose memory is failing. Negri has all the good quotes cut out and he himself is quite clever at coming up with summarizing phrases:

"socialism is as impossible as the functioning of the law of value";

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evidence that such struggles are "beyond" Negri's vision. To me, these sorts of struggles are the only possible meaning (with an almost infinite variety of forms) of self-valorization: valorizing ourselves by putting use-value, needs and desires, before exchange value in lived experience.

Guido claims that since Negri's emphasis is on the most "productive or highly developed forms of capital" he must somehow be ignoring unwaged people. But here, as in Negri himself, the problem is not addressed as a specific one of strategy. Isn't it a necessary solution for the wageless to get their hands on the automated wealth they've helped produce? For example, many U.S. women of my generation have shattered housework as their main occupation and are now a "rigid" presence in the waged workforce. Yes, often more work. But is not this women's activity also motion toward obtaining some wealth and using it for

-"the law of the falling rate of profit derives from the fact that necessary labor is a rigid quantity";

-"The theory of surplus value is reversed. Where, in capital's project, labor is commanded by surplus value, in the proletariat's revolutionary project reappropriated surplus labor is commanded by necessary labor."

There are dozens of these. If you can string 20 or so together, one can easily come up with a nice abstract of the Grundrisse.

But it is too good a mnemotechnic, for in helping our memory it also helps us to forget what Marx "forgot". Marx in 1858 "forgets" 3/4 of the proletariat: the slaves and the women. Negri remembers on pages 65 and 183 that Marx forgot something, but he can't



Cap. Babeo.

Cucuba.

*In that same time, a certain learned man, ... hearing the fame and renown of Pantagruel's incomparable knowledge, came out of his own country...with an intent only to see him, to try thereby, and prove, whether his knowledge in effect was so great as it was reported to be.*

some autonomy and so escape the fists and rapes of neolithic capitalist accumulation? Can we not find in this some coherent strategy, not just point out the defeat?

And what of Asian women of this same generation who have refused to do all the shit work of the patriarchal family and have moved to the cities and work in the garment and electronics industry--where the third world left attacks them for their "bourgeois" interest in, for instance, fashion, and of whom the 'first world' left can only protest their (quite real) exploitation at the hands of the multinationals. Cannot we see here some "self-valorization" by these women?

Guido knows full well that he has never been limited by Marx' version of surplus value production, and we need not be limited by Negri's own musings on this "new and effective marxist concept." Can we not just acknowledge the concept and move on, and perhaps encourage others to meanwhile read Negri?

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A word should be said here on old Karl. Marx said a great deal on slavery elsewhere besides the Grundrisse, and the Grundrisse itself contains quite a profound analysis of slavery and colonialism. For example, Marx speaks with glee of capital's helpless fury at the Jamaican free Blacks who only work as hard as they feel like. Yes, I agree the work would be enriched by more attention to John Brown, Sojourner Truth, Frederick Douglass, etc.... But so does Negri! Granted, he is frustrating in his abstract presentation and hampered by the fact that European theorists cannot write a sentence. But Negri a hundred times states his regret for that missing chapter on the wage and working class subjectivity which Marx meant to write. Further, Negri goes a long way towards constructing this section.

As for Marx and women, while again I agree with Guido basically, he has forgotten the parts of Capital on domestic workers and women factory hands. As for housework, Silvia Federici and Nicole Cox of Wages for Housework pointed out a decade ago that Marx' oversight is not simply his sexism but the reality that women and children worked 14 hour days or more in both Manchester and Mississippi. The "nuclear" family did not exist and housework was not the defining activity of working class women. (1)

All this said, my main concern is "defeat". Defeat, defeat, despair, humiliation--is Guido speaking of Marx and particularly Negri's perceptions of the situation, or his own? For some time now I've been uncomfortable with Midnight Notes' recent dwelling on the idea of our defeat. Would it not be more precise to speak of having suffered some defeats but not an overall defeat? Guido seems so sure that Negri (in particular) refuses to acknowledge how bad things are and that is why he is writing on the potential for liberation and on working class strength. The very best part of Marx Beyond Marx, perhaps the only thing that makes it (as I think it is) worth-

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quite remember what and who he forgot. It would have been quite simple for Negri to mention these two sectors of the working class by name, if he had remembered. But he forgets to remember what Marx forgot so on page 65 we have Negri-esque gibberish while on page 183 we have gibberish and exasperated intellectual curses:

In fact, the Marxist definition of productive labor is a reductive definition, which is linked to the socialist axiology of manual labor.

Just why Negri chooses to get cross with Marx would not be clear to most readers. I'm not sure whether Negri is clear about it either,

*I will not argue pro et contra as do the sottish sophisters of this town, and other places. Likewise I will not dispute after the manner of the academics by declamation.*



while to struggle through its density and obscurity and actually read the damn thing cover to cover, is precisely that in its pages our power and capacity to transform the world, the idea of capital as always in crisis, the "imminence of communism"--all these concepts and a sense of our power are deeply imbedded in every sentence.

For Negri, our political recomposition on a higher, more powerful level is an organic part of every defeat. This was why he turned to the Grundrisse in that alleged season of despair in Paris in 1978. For capital to defeat us in a limited way, it must also raise the stakes higher, whether by increasing the organic composition of capital or by developing the world market, that is by extending the contact with and the struggles against the highest levels of capital further around the globe. For Negri, this process is summarized as: struggle-communism-crisis-world market-communism. Negri's book is an exciting and powerful intervention.

But is Negri (or, for that matter, my

but he is worried about something though he does not want to say what it is. Why?

Slaves and women. Those who are most separated from the locations of the highest and most intense syntheses of capital, science and class struggle. Those for whom the "explosion of the value form" appears as distant as a supernova in another galaxy. What do they have to do with the proletarian revolution if this revolution arises from capital hitting its productivity limits? Slaves and women were being exploited with neolithic technology at best, controlled with the social tools of primitive accumulation: fists, whips, chains and rape. What revolution could possibly lay in

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friends and I) deluded as Guido suggests? Remember the "Work/Energy Crisis and the Apocalypse"? (Notes, Vol.2, #1)--it did not sound very defeated in 1980 either. Its last line read that the only way to confront the missiles is to demand bigger and juicier sausages.

1978, eh? In 1980 the Black working class of Miami revolted. A year later the young Black, White and Asian marginal sectors in the cities of England exploded. Then, in July, 1980, Gdansk. Not so long later, the British miners shouted "Zulu" as their flying pickets charged police lines--did some of the "rigidity" of South African miners rub off on them? Recall when we used to speak of the "circulation of struggles"--is the language of defeat and despair so much preferable now?

1980-81 was anything but a period of defeat unless you define defeat as anything except winning the world revolution. Federici wrote that just entering a factory is a defeat. True. But since billions of people do daily, and do in the heights of our struggles and the troughs, should we be overly concerned with our defeats?

The 1950's in the U.S. was a bad time for the working class in many ways--the turning back of victories from the 1930's and 40's, the destruction, imprisonment, exile or marginalization of most every radical current. CLR James was part of that defeat--I think his Midnight Notes, Mariners, Renegades and Castaways, is a good antidote to despair. (2) Poor James, defeated and exiled. But one will search Facing Reality, Modern Politics (2) or any of the other works of James and his

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this? If, as Negri claims, revolutionary logic fissures capital's dialectic at the points of highest social productivity then these others are best forgotten for communist visions and revisions after the explosion. So one would presume from Negri's Marx. (Marx himself tells us he was inspired to write the Grundrisse by "the discovery of gold in California and Australia." Perhaps he should have paid more attention to Frederick Douglass and Sojourner Truth and John Brown.)

For all of Negri's talk of fissures, cracks, breaks, gaps, splits and crevices, there is barely a word about working class division. Why not? The breakdown of the Italian movement, as with most proletarian movements, came from its inability to overcome its divisions: "guaranteed" vs. "precarious" workers, women vs. men, North vs. South, hi-tech workers vs. "rural idiots", etc. Negri qua Marx seems to assume, wrongly, a high level of working class homogeneity, while the famous "multiplicity" and "multilaterality" of the ever-more-powerful working class that he posits can in actuality be a sign of overwork. Thus many part-

comrades for any sign that they thought defeats were to be taken so seriously. They seem to have been under the impression that the working class' leaps and offensives occur at the same time as our defeats. Poor CLR also "treats defeat the same way he handled any other turn in the movement's course"--that's precisely his best point. Can we not plan on a sunrise breakfast at midnight?

Let me end with a bit more from Linton Kwesi Johnson. Before Brixton he wrote, "Fascists on the attack, nobody worried 'bout that." As Midnight Notes in its last issue warned that we, but not necessarily capital, are in crisis, LKJ at about the same time wrote, "From England to Poland, every step across the ocean, de ruling classes dem is in a mess, crisis is the order of the day..." He has written enough of suffering, death, tragedy and surely does not see the world through rose-colored glasses. In the 80's he could say, "It is no mystery, we're making history, it is no mystery, we're winning victory." Rather than dwell on defeat, check out LKJ, and read bolo'bolo too. And Guido--lighten up and remember to be realistic: demand the impossible.

1) "Counterplanning from the Kitchen," p.6, Falling Wall Press, Bristol, England

2) From BEWICK/ED, 1443 Bewick, Detroit, MI 48214.

*With this Thaumist, with great toil and vexation of spirit, rose up, but in rising let a great baker's fart, for the bran came after; and pissing withal very strong vinegar, stunk like all the devil's in hell.*

time workers, especially women, might in a 24-hour cycle pass through six or seven metamorphoses in the hierarchy of labor and end up more tired than before.

Negri has his uses. His Marx can be used against cold-war nerds: Negri bristles with quotes to prove that Marx was not a "totalitarian." And he is useful against our "comrades" on the left who have often given so much pain. Try these Negri definition of socialism:

Socialism is the highest form, the superior form of the economic rationality of capital, of the rationality of profit. It still thrives on the law of value..socialism keeps alive and generalizes the law of value. The abolition of work is the inverse mark of the law of value.

They are quite neat, quite Marxist, and use Marxism against average Marxism. If you pull out these definitions and are accused of being anti-socialist, you can reply, "Of course, I'm a communist," and cite Negri's clever lines: Communism is in no case a product of capitalist development, it is its radical in-

version...Communism is the destruction of capital in every sense of the term. It is non-work, it is the subjective, collective and proletarian planning of the suppression of exploitation. It is the positivity of a free constitution of subjectivity. All utopias become impossible.

So goes Negri's use in the linguistic guerilla war on the left...but:

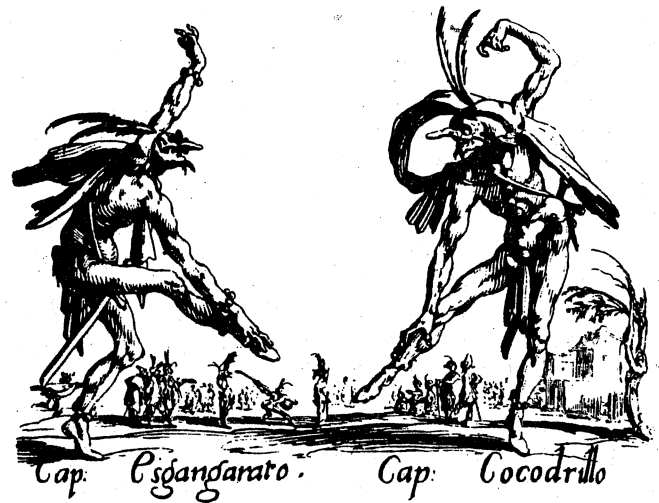
There is a "thinness" about all these formulae. They seem to want to give a verbal solution to a historical problem. Marx' idea of communism might be "excusably" schematic (it's almost purely logical), but should Negri's be? Negri is writing a century after the Paris Commune and with two decades of "communist practice" behind him. Is his wisdom expressed only by equations like "the theme of communism has melted into the theme of transition"? Not that they are wrong, but can they even begin to approach the simple observation of Che Gueverra's, when he pointed out that a good criterion for telling whether nations were having "communist relations" is that the prices they exchange at are radically different from those of the capitalist world market?

Finally, perhaps Marx Beyond Marx is useful because it introduces a new and effective Marxian concept: self-valorization. But what is "self-valorization" and why should it be included in the "arsenal of revolutionary concepts" (sic)?

Capital valorizes workers by paying them a wage for their labor power, but workers can't pay themselves a wage (unless one accepts the silly metaphysics of neo-classical economics). In the Marxian typology, value is a matter of exchange value or use-value. Therefore, self-valorization must arise as a use-value. Translating literally from the categories, it would be something like "using yourself to satisfy your need, want or desire" or "consuming yourself." But is "self-valorization" then just word-play? Not completely, since it is obviously trying to discuss the great moving forces of class struggle: the hatred of being bossed, the need to enjoy your life, the desire for palpable wealth now, etc. (Freedom, Pleasure, Wealth Now): these are absolutely crucial matters for any revolutionary theory, for with them you touch on the raw powers that "make people move". And Negri does well by us in 1985 to remind us that even in the darkest period of working class defeat they are, if anything, more vital.

But Negri's own discussion of the concept is simultaneously obscure, reified and elitist, or, as the leftists would say, "vanguardist". From his account, it arises from "consumption" (135), it involves "auto-determination" (165) and becomes a "phase", perhaps the "final stage", of the class struggle.

After that, Thaumist began to puff up his two cheeks like a player on a bagpipe, and blew as if he had been to puff up a pig's bladder.



But who is self-valorizing? Those with the "variety, the multilaterality, the dynamism, the wealth" to counter capital's plan. What of those without these qualifications? They appear to be outside the "real" struggle, far from where the action is. Question: how do you acquire these qualities? Negri's answer: by being in touch with the most highly developed form of capital. It is with these self-valorizers that "the productive violence of the highest level of cooperation" is present and they take us to a point "beyond Marx".

As a political hypothesis, this was disastrously wrong in 1978, perhaps it was an illusion of the Carter years. The "rigidity of self-valorization" which Negri claimed would block "all operations that would make cuts or impose recessions" simply collapsed in 1979. Indeed, many Italian thinkers of "self-valorization" proved less than rigid before the state. This is understandable to us, but from Negri's pages it is "impossible behavior." This was not a singular lapse. In 1985 when we look at the world-wide class struggle and the proletarian rigidity to capital's plans, we don't see much of it in the domain of the highest socialization of capital. On the contrary, a brief, crude list would include South Africa, El Salvador, Chile, the Philippines, etc. This list is not in the spirit of a contest for militant laurels where the "damned of the earth" win, or to suggest that struggle will only now proceed there. It is merely to remind the reader that either "self-valorization" must have a wider and more concrete meaning, or it is a suspect concept.

Panurge and Thaumist are characters created by Rabelais, from whom these quotes are taken.



# A Lesbian Shaggy Dog Story

## The Sophie Horowitz Story

by Sarah Schulman (Naiad Press, 1984, \$7.95)

Somewhere there ought to be someone who protects unsuspecting authors from the misguided efforts of their publishers. Naiad Press has just published a first novel by Sarah Schulman, The Sophie Horowitz Story. Maybe you'll get past the tarted up cover and the misleading jacket prose and treat yourself to a good read. But I doubt if you'll find it much like the hype. Its only resemblance to Fran Lebowitz, who's suggested on the cover, is that both seem to write about New York. Schulman writes New York, the New York we really live in. And if you have a passing acquaintance with left and feminist politics, you'll find it very familiar.

The Sophie Horowitz Story reads like a lesbian shaggy dog story (if that's a category yet) with a self-humor that reminds you more of Lenny Bruce or Woody Allen than Fran Lebowitz. There's a thread of a plot running through that neither matters very much or needs to make a whole lot of sense. Schulman writes 80's realism--"the powers that be" pull strings, making plots tangle or unravel. When the FBI, grand juries and crooked DA's are cutting deals with each other, we can't expect our heroine to be able to change the course of history anymore.

But Sophie's no leftist clone either. Schulman's caricatures of the various "revolutionary" types of the far-out left are downright wicked (she's especially down on "educational leafletting"). Sophie's our hard-boiled dyke, our post-modern Marlowe sleuthing her news story deep in the heart of the counter-culture. But unlike the traditional detective and unlike many ex-leftists, she doesn't

see it as a "me against the world" situation. As cynical as she is about the Organized Left, she's idealistic about "community." Community is the junkies and the old ungentrified residents of her lower East Side heroine's neighborhood; it's Jewish culture, especially of the anarchist variety; it's the lesbian community. Community is Schulman's conceptual touchstone (as "cadre" is the organizing principle of her far-left characters). It's always a struggle though: communities are not found, they're made.

But make no mistake--this book is no political manifesto. In fact, if you're not familiar with late 60's politics, or part of the New York scene, you may not even notice Schulman's politics. So maybe from the book cover you expected sex. OK, it's there. But it isn't some great cure-all for the small and large frustrations of life. It isn't the solution to any of Sophie's problems. For that, try food. When Sophie's in a tough spot, she falls back on fried sauerkraut pirogis or the three varieties of herring. With sex, it's cheesecake or cherry babka--sweeter stuff. Sophie's scorn for pseudo-food (quiches and sprouts) is as much a political position against the gentrifiers who destroy a community's indigenous cuisine, as a jab against the diet mafia, that denies women the pleasure of fattening food. Maybe these days it takes more nerve to write about food than to write about sex anyway. Whatever, this book might not make you horny, but it will make you hungry.

Hungry, perhaps, for another installment of the Sophie Horowitz story. It's like salted nuts...

## End to Negri

Methinks perhaps friend Bartleby exaggerates the "dwelling on defeat" of Midnight Notes. Yet, the issue is important. Has there been a defeat of the U.S. (last Notes discussion) or Italian working class? Generally speaking, I think so. How do we deal with it? Ignore it? Dwell on it? Try to understand it? I suggest the latter, in the hopes of avoiding another. We've enough farces already.

If I understand Guido (who is unavailable to respond to Bartelby), the point is this: Negri's ignoring slaves (third world) and women, his narrow definition of self-valorization, refusal to discuss the divisions in the class and his refusal to acknowledge defeat are all of a piece. If defeat in Italy was based on class divisions, and Negri

will only treat of those class sections in touch with the "highest levels of capital, then in fact Negri cannot understand the defeat. The obverse makes this more clear: to assess the defeat means to understand the hierarchical divisions in the class, and to do this means one cannot ignore slaves and women, cannot conceptualize self-valorization only for a few sectors, and therefore must throw into crisis Negri's political structure. Capital is not only the "heights", for capital simultaneously 'underdevelops' as it 'develops'.

Negri's challenge was to understand 'his' political project and why it was defeated. Instead he retreats a century, rehashes Marx without necessarily shedding Marx's limits, and does not come to grips with what he must in order to help us move beyond abstract belief in our victories to a new 'what to do?'

# OUTLAW NOTES

Traditionally, to be an outlaw has meant one has committed acts deemed illegal by the law; for the most part, acts against capital. To us, however, to be an outlaw also means to have committed acts against capital or for us which have yet to be codified as illegal. The fact that the law only covers a small fraction of all possible relationships and acts makes this quite evident.

We begin this issue by examining what the law is in current capitalist society. Our goal is to understand the role that the law plays in our struggles against capital so that we can use the law and, more importantly, transcend it to escape from this manifold of work we live in. We then turn to a study of the cycles of policing, one critical component in our analysis of the law and the state, to see how policing changes in response to class struggle in line with changes in class composition and capital's organization of accumulation.

In 1780, in the Gordon Riots, the international, multi-racial, male and female proletariat of London excarcerated the prisoners of London's prisons and burned the jails. Who were these people, inside and out, what did they do and why, and what were the results?--these questions we explore in "The

Delivery of Newgate." We precede this with some brief notes about slavery and work in U.S. prisons today.

A much later and not yet so dramatic a set of struggles erupted on U.S. college campuses this past spring. While much of that movement chained itself to narrow legality, the boundaries started to burst in many actions. We discuss what happened and why; this includes focusing on struggles within the movement itself. The student authors suggest what strengths the movement needs to build on, what weaknesses need to be overcome.

Toni Negri has become an outlaw, fleeing Italian just-us. We provide two reviews of his book Marx Beyond Marx, one critical, the other less so. Young Greek girls were murdered as outlaws by the right in the Greek Civil War; we here print a few translations of Rita Boumi Papa's 1000 Killed Girls. Some cultures are at the fringes of the law, in many senses. We review The Sophie Horowitz Story, a book in part about such communities.

All these articles, graphics plundered from our history, a few other pleasures--this is our issue #8. Many thanks from us "old" midnight noters to the new folks who have helped us get this issue out.

Wm. Hogarth, "A Midnight Modern Conversation"



If you were wondering why it has been so long between issues, this graphic from Hogarth shows what at least a few of our moments have been like; we would note that, unlike for this Hogarth, women have participated also, and not all faces have been so pale.